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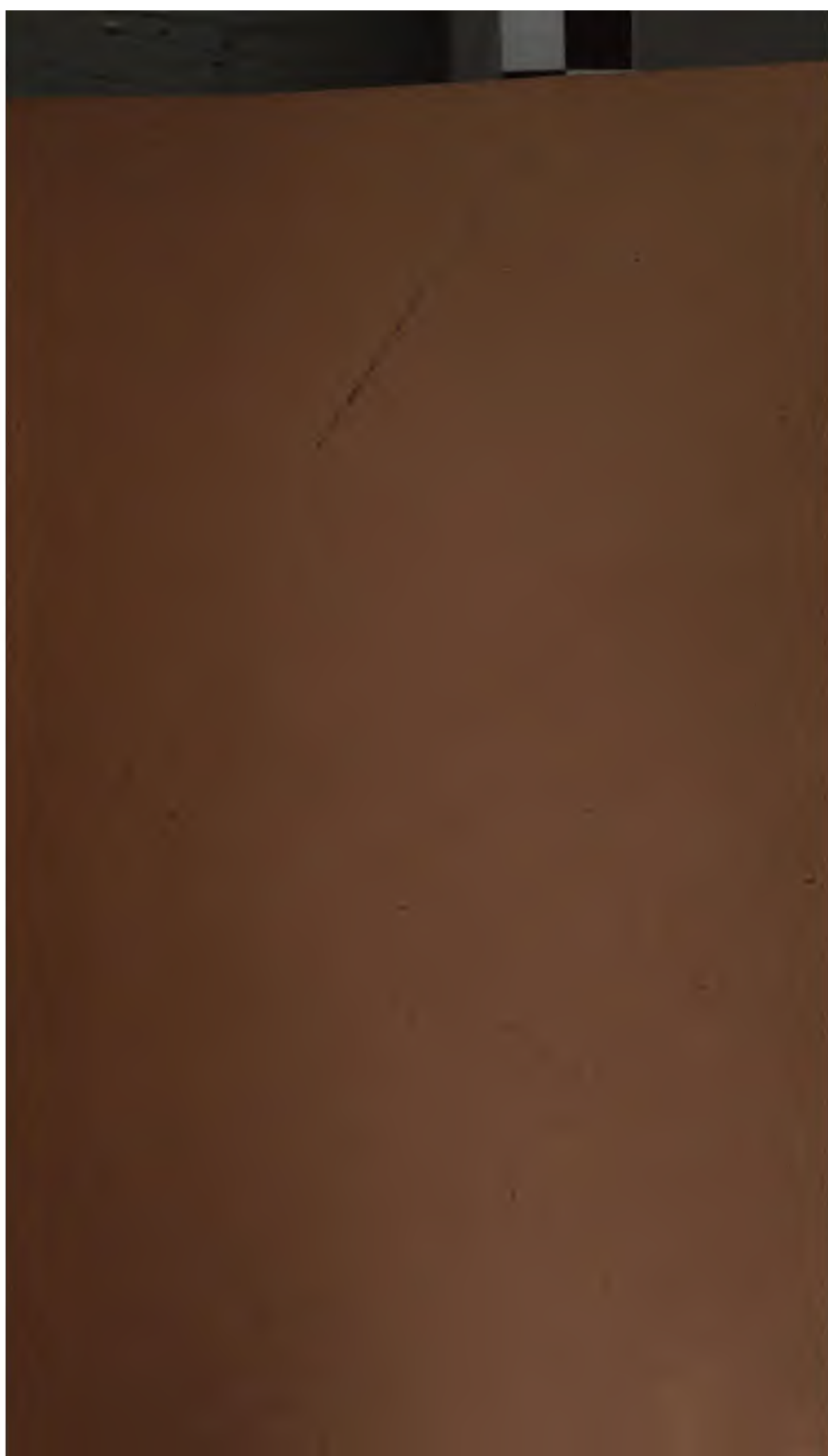
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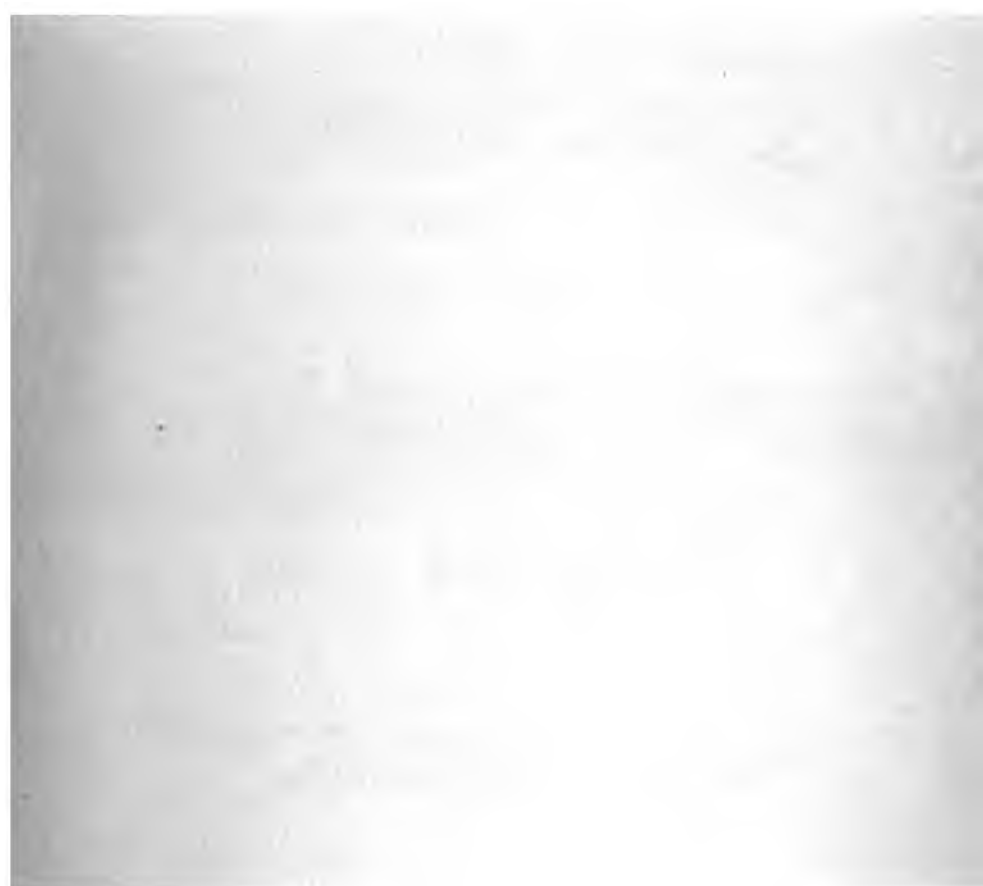














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JOURNAL  
OF  
SOCIAL SCIENCE,

CONTAINING THE  
TRANSACTIONS OF THE AMERICAN ASSOCIATION.

NUMBER XXVI.  
FEBRUARY 1890.

SARATOGA PAPERS OF 1889.

PART I.  
JURISPRUDENCE, EDUCATION, AND SOCIAL  
ECONOMY PAPERS.

PUBLISHED FOR THE  
AMERICAN SOCIAL SCIENCE ASSOCIATION.  
DAMRELL & UPHAM, BOSTON, AND G. P. PUTNAM'S SONS, NEW YORK.  
1890.



*A, 17576,*

EDITED BY

F. B. SANBORN,

GENERAL SECRETARY OF THE ASSOCIATION,

CONCORD, MASS.

SPECIAL NOTICE.—During the absence of Mr. SANBORN in Europe, from Feb. 5 to Aug. 10, 1890, communications for him may be sent to

REV. JOHN GRAHAM BROOKS,

Brockton, Mass.

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*Press of Geo. H. Ellis, 141 Franklin Street, Boston.*

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## INTRODUCTION.

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The papers included in this number of the *Journal of Social Science* are less than half of the Saratoga papers of 1889. As some misapprehension may exist in regard to the publication of papers by the Association, it may here be said that all papers engaged for the General Meeting of the American Social Science Association are so engaged with the understanding that they may be printed in the *Journal of Social Science*, if the Council so decide. If, therefore, the writers choose to publish their papers elsewhere (to which the Council offers no objection), it must be with the stipulation that these papers may also be published in the *Journal*, at the option of the Council as to the time of publication.

A list of all the addresses and papers at the meeting of 1889 is printed on pages vi and vii. Those belonging to the Department of Health are withheld until later.

The papers of the Jurisprudence Department are here printed in full, except the address of Professor Wayland, which was not reported.

It is hardly needful to say that the Association does not make itself responsible for the opinions expressed in the papers and reports read at Saratoga and published in this *Journal*. It furnishes an opportunity to present many views on many subjects; and each speaker is open to criticism at the meetings and afterwards, when his views are published. We aim specially at giving information collected by experienced and well-trained persons, so that whatever we print shall have a special value; but for the inferences drawn or the statements of opinion given we assume no responsibility.

At the next General Meeting in Saratoga, from Sept. 1-5, 1890, a record of the progress made in Social Science during the twenty-five years that our Association will then have existed will be attempted, and will form, in some degree, the special interest of the meeting. It is the hope of the Committee on Membership and Finances, appointed at Saratoga last September (President WHITE and MESSRS. F. J. KINGSBURY, ANSON PHELPS STOKES, J. G. BROOKS, and FRANCIS WAYLAND), that the number of members will by that time be largely increased, and some feasible plan adopted for combining the labors of many societies, clubs, and classes, for the study of Social Science, under the general direction of the American Social Science Association.

BOSTON, Feb. 1, 1890.



## GENERAL MEETING OF 1889.

The General Meeting of this Association for 1889 took place at the Bethesda Parish House, Saratoga, Tuesday, September 3-6, 1889. In consequence of the absence in Europe of the President, ANDREW DICKSON WHITE, LL.D., the Annual Address was omitted, and the sessions commenced on Tuesday morning, September 3, proceeding as follows:—

### TUESDAY, SEPTEMBER 3.

#### *Department of Education.*

At 9.30 A.M. Address of the Chairman, F. B. SANBORN.

At 10 A.M. A Paper by Rev. JOHN GRAHAM BROOKS, of Brockton, Mass., on *Economic and Social Education in France,—the Le Play Society, and its Organ, "La Réforme Sociale."*

At 11 A.M. A Discussion on *Industrial Education for Defectives.*

At 12 M. A Paper by Miss ALICE R. COOKE, of Sandwich, Mass., on *Training Insane Women in Domestic Industry.*

At 8 P.M. Report of the General Secretary, F. B. SANBORN, of Concord, Mass.

At 8.30 P.M. An Address by Hon. GEORGE HOADLY, LL.D., of New York, on *The Effect of Recent Judicial Decisions on the Constitutional Guarantees of the Right of Property.*

### WEDNESDAY, SEPTEMBER 4.

#### *Department of Health.*

At 9 A.M. Remarks by the Chairman of the Department, Dr. H. HOLBROOK CURTIS, of New York.

At 9.30 A.M. A Paper by Dr. PLINY EARLE, of Northampton, Mass., on *Popular Fallacies concerning the Insane.*

At 10 A.M. A Report by Dr. STEPHEN SMITH, of New York, on *The Commitment and Care of the Insane*, followed by a Discussion.

At 11.30 A.M. A Paper by Dr. LOUISE FISKE BRYSON, of New York, on *The Dangerous Classes and the Modern Doctor.*

At 12.30 P.M. A Paper by Dr. FREDERICK PETERSON, of New York, on *Electricity as a Death Penalty.*

At 8 P.M. A Paper by Rev. CHARLES R. TREAT, of New York, on *Burial Customs in their Relation to Health* (illustrated by the stereopticon).

At 9 P.M. A Paper by Dr. CHARLES A. HARVEY, of New York, on *The Best Sanitary Disposition of the Dead.*

## THURSDAY, SEPTEMBER 5.

*Department of Jurisprudence.*

At 9.30 A.M. An Address by the Chairman of the Department, Professor FRANCIS WAYLAND, of New Haven, Ct.

At 10 A.M. A Paper by S. T. DUTTON, Esq., of New Haven, Ct., on *Education and Crime*.

At 11 A.M. A Paper by W. M. F. ROUND, Esq., of New York, on *Immigration in its Relation to Crime in America*.

At 12 M. A Paper by President E. B. ANDREWS, of Brown University, on *The Economic Law of Monopoly*.

At 8 P.M. Election of Officers.

At 8.30 P.M. A Paper by Rev. H. L. WAYLAND, D.D., of Philadelphia, on *The Dead Hand*.

## FRIDAY, SEPTEMBER 6.

*Department of Social Economy.*

At 9 A.M. An Address by the Chairman, F. B. SANBORN.

At 9.30 A.M. Reports on *Co-operative Banks and Building Associations, School Savings Banks*, etc.

At 10 A.M. A Paper, *What a Reforming President could do with the Civil Service*, by E. S. NADAL, Esq., of New York.

At 10.30 A.M. A Paper by EDWARD T. POTTER, Esq., of Newport, R.I., on *A System of Concentrated Residence*.

At 11 A.M. A Paper by PERCIVAL CHUBB, Esq., of London, Eng., on *Practical Measures of Socialism in England*.

At 12 M. A Paper by Professor THOMAS DAVIDSON, of New York, on *The Source of Economic Law*.

The list of officers elected will be found on a subsequent page; and the Department Committees, as organized since September by the Council, are given in the same connection.

The Department of Education, in consequence of the serious illness of the Secretary, Mr. H. G. WADLIN, did not bring forward the expected Papers so fully as was desired, and the time assigned to that Department was therefore filled up with other subjects to some extent. This will account for the introduction of topics not usually considered educational, in the discussions of September 3; and, as the Paper of Dr. EARLE, though read on the 4th of September, relates to the topic most debated on the 3d, it is printed in connection with the debate on Miss COOKE's Paper. The other Papers of the Health Department are withheld until the next issue of the *Journal*; but it seems proper here to print a communication made to the Association on Wednesday, September 4, on a subject of growing importance, by one of our younger members:—

## THE ADVANTAGES OF CREMATION.

LENOX, Sept. 2, 1889.

*To the Members of the American Social Science Association :*

GENTLEMEN,—I shall trespass upon your generosity for a few moments to call your attention to a suggestion which, at this time, seems to me most opportune.

The question of the proper disposal of the dead, especially in the neighborhood of our large cities, is yearly becoming more important and pressing. Of late years great improvements in cremation have led many to believe that incineration furnishes a satisfactory solution of this much mooted and vitally important question.

Early in the present year, the United States Cremation Company and the New York Cremation Society jointly issued a circular letter, addressed to prominent persons in the various callings of life, asking for a statement of their opinions in regard to cremation. Any one who has read the little pamphlet containing the answers received to this letter must be convinced, however unwillingly, that the great majority of these writers, among whom are many of the prominent divines, physicians, and scientists of this and other countries, favor and uphold cremation on sanitary, economic, and religious grounds.

I doubt if any single act has done as much to strengthen the position of cremation and to dissipate religious objections to it as Bishop Potter's letter, which I here transcribe.

"DIOCESAN HOUSE, 29 LAFAYETTE PLACE,  
NEW YORK, Jan. 22, 1889.

"*My dear Sir,*—In reply to your inquiry of the 21st instant, I beg to say that I have no prejudices unfavorable to cremation; and, indeed, in view of the curiously inadequate and singularly unintelligent arguments, attacks, and denunciations, which have been employed by those who are hostile to it, I have been rather disposed to sympathize with those who are seeking to introduce it. But the argument of most effect in its behalf is one which must be made by scientific men, and especially by physicians. I wait to hear more explicitly and more fully from these; for, when it can be shown that any such plan best conduces to the health and well-being of large communities, it will be likely to find general acceptance.

Very truly yours,

"H. C. POTTER."

What proof could more conclusively dispel any religious objection to cremation than this simple, straightforward letter from one of our highest religious authorities? The sanitary, economic, and sentimental aspects Bishop Potter properly leaves to specialists in these subjects. We have only to turn over the leaves of our little pamphlet and to read the names of such men as Sir Henry Thompson, Dr. Bache Emmet, Charles Eliot Norton, and many others, to convince ourselves that objections on these scores have been properly and effectually disposed of.

Cremation to-day stands on a firmer footing than ever before, and it is only the universal spirit of conservatism—a spirit which in time must yield to common sense, reason, and necessity—which now prevents the general adoption of incineration as the only proper means for disposing of the dead. Now, the suggestion I have to offer is, briefly stated, as follows: Plans for the building of a Protestant Episcopal cathedral in New York have already progressed so far that it seems only reasonable to expect that in a few years the requisite money will be raised and the long wished for cathedral at last be built. It is very appropriately purposed to make this the largest and most beautiful House of God in our land, and it will naturally become the centre of religious interest in America. It has also been suggested that the cathedral be used as a Westminster Abbey, and that the bodies of our illustrious dead be interred within its walls, or at least that it serve as a repository for tablets to their memory. But why confine the blessing of a resting-place in this, one of the most sacred

spots in our country, to the favored few who are fortunate enough to obtain this distinction? Has not every Christian an equal claim to the protection of the Church? The rich and the poor, the statesman, poet, writer, and laboring man are all equal in the sight of God.

The crypt alone of the new cathedral will, I am confident, be large enough to serve as a columbarium for tens of thousands of our dead, for the urns in which the ashes are placed after incineration occupy less than half of a cubic foot each.

It is perhaps needless for me to add that there can be absolutely no odor nor impurity of any kind connected with the ashes, which are a pure white, pearly powder, or bone-ash.

Obviously, no changes of any importance would be necessary in the plans for the cathedral, except that niches should be provided in the walls of the crypt for the reception of the burial-urns. For compactness and economy's sake, it might be well that some of the receptacles be simply holes bored in the stones of the walls, in which the ashes could be placed and the openings covered by simple tablets.

The comparatively insignificant expense involved in making these slight additions to the cathedral plans would be defrayed by the charge for the niches which might be made to vary according to size and position, but which, in every case, would be far less than for a burial-lot in any cemetery. Indeed, I am confident that the sale of niches would prove a source of no little pecuniary benefit to the building fund of the cathedral.

Trusting that these suggestions may meet with your approval, and that some definite success may result, I remain,

Very respectfully,

I. N. PHELPS STOKES.

The Association was represented at the Paris Congress of Provident Institutions by Mr. TOWNSEND and others, and we have from Mr. TOWNSEND the following report:—

#### REPORT ON THE PARIS CONGRESS.

F. B. SANBORN, Esq., General Secretary of the American Social Science Association:

The third quinquennial International Congress of Provident Institutions was held at the Palace of the Trocadero in connection with the Universal Exhibition at Paris, September 2 to 7, inclusive. The opening session was presided over by Mr. Jules Simon, of the French Academy. On the platform, among the honorary presidents and vice-presidents, were General William B. Franklin, commissioner of the United States to the Exhibition, Mr. S. P. Tuck, deputy commissioner, and the chairman of your delegation. In his address of welcome, the president spoke of the presence of delegates from the United States and Brazil as showing the influence of French thought on distant lands, and noted the importance of their presence, representing, as some of them did, distinguished scientific associations.

The members of the Congress included statesmen and financiers of France, Belgium, Italy, Switzerland, Holland, Portugal, Norway, Russia, England, Germany, the United States, and Brazil.

The paper on savings-banks in the United States, prepared by the chairman of your delegation, was well received, and its reading

listened to with attention by the Congress at its session on the second day; and wonder and admiration were expressed at the marvellous progress of the great republic, as shown in the thrift of individuals, the good character of their investments, and in other respects which make a people happy and contented.

The incidental paper by John S. White, LL.D., on physical, combined with economical and moral, education in our schools and colleges, was warmly commended. Mr. J. H. Thiry's paper on school savings-banks in the United States was received with favor, as showing the influence of European economy on the rising generation in America.

These three papers had been translated into French, and were understood and appreciated by members present; but the remaining papers and documents of which we were the bearers, being only in English, were received and read privately by those familiar with our language, but did not have the general indorsement and commendation which their importance and merit deserved and would have obtained, had they been translated into the vernacular. Your chairman, however, had many questions to answer, particularly in regard to co-operative building loan associations, which attracted the attention of the principal delegate from Belgium, Baron T'Kint de Roodenbeke, Vice-President of the Belgian Senate and President of the Permanent Commission of the Societies of Mutual Aid of Belgium, who said it was proposed to establish these associations in the neighborhood of Brussels.

Great attention was given to papers concerning mutual aid and friendly societies for the benefit of workingmen. A report from Belgium, with explanations of the workings of a system of a co-operative pharmaceutical society, which supplies medicines and remedies of the best quality at astonishingly reduced prices, was warmly applauded.

Postal savings-banks, outside of Great Britain, were reported to have met with disfavor. The system has been in practice in France for some years. At first, it made considerable progress; but the necessary publicity required for its operations has induced a withdrawal of deposits, and the people are returning to the older institutions. Mr. Lombard, President of the Society of Public Utility at Geneva, pointed out in his communication that the general opinion in Switzerland was not favorable to the establishment of postal savings-banks there. From the other European States no reports were read on postal banks, but it was understood that they were not highly esteemed in any of the countries on the Continent. All other banks and societies to aid the working classes, small traders, railroad employees, and to teach school children lessons of thrift, were explained and commended, and their extension favored.

The usual banquet was given by members of the Congress at its close, which was attended by one of your delegation.

The postponement of the opening of the Congress from July to

September prevented several of your delegates from attending its sessions; and but two of them were present at any time, and only one was present at every session.

The marked civilities and courtesies bestowed on two of your delegates by the President of the Republic, Mr. Carnot, and the President of the Council of Ministers, Mr. Tirard, which were largely on account of their connection with your Association, were very gratifying. The official recognition, also, of our national anniversary by the government of France and the city of Paris were indications of the esteem in which our country and its institutions are held by the French people.

The fourth session of the Congress of Provident Institutions, according to tradition, will be held in Paris in 1894; but the chairman of your delegation ventured the suggestion that the Congress would be welcome in New York in 1892 at an intermediary session, if the Universal Exhibition is held in that city in that year. This informal invitation was received with marked favor, and many delegates expressed their personal gratification and a desire to go from old Europe to visit the New World and take part in the fourth Congress in the four hundredth year after the discovery of America, to see with their own eyes the march of progress of which they had heard so much.

Respectfully submitted,

JOHN P. TOWNSEND, *Chairman.*

NEW YORK, November, 1889.

CONSTITUTION, LIST OF OFFICERS, MEMBERS, ETC.,  
OF THE  
AMERICAN SOCIAL SCIENCE ASSOCIATION.

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CONSTITUTION.

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I. This Society shall be called the AMERICAN SOCIAL SCIENCE ASSOCIATION.

II. Its objects shall be classified in five departments: the first, of Education; the second, of Health; the third, of Trade and Finance; the fourth, of Social Economy; the fifth, of Jurisprudence.

III. It shall be administered by a President, as many honorary Vice-Presidents as may be chosen, a Treasurer, a Secretary, and a Council, charged with general supervision; five Department Committees, established by the Council, charged with the supervision of their respective departments; and such Local Committees as may be established by the Council at different points, to serve as branch associations. The Council shall consist of the President, Treasurer, and Secretary, the Chairman and Secretary of each Department, and ten Directors, with power to fill vacancies and to make their own By-Laws. The President, Vice-Presidents, Treasurer, Chairman, and Secretaries of Departments, and Directors shall be chosen annually by members of the Association, and shall hold office till their successors are chosen. The President, or, in his absence, a Director, shall be Chairman of the Council. The Chairman of the Local Committees shall be chosen at the pleasure of their respective committees. Whenever a Branch Association shall be organized and recognized as such by the Council, its President shall be *ex-officio* one of the Vice-Presidents of the American Association, and, together with the Secretary and Treasurer, shall be entitled to all the privileges of membership in that Association; and, whenever a Local Department shall be organized and recognized as such by the Council, its chairman shall become *ex-officio* a member of the parent Association. The Chairman and Secretary of each Department, with the consent of the President of the Association, may appoint such special Department Committees as they may think best. The General Secretary shall be elected for three years, unless he resigns or is removed by a two-thirds' vote of the members present and voting in a regular meeting of the Council; and, out of his compensation, he may pay the salary of an Assistant Secretary, who may also be Secretary of one Department.

IV. Any person may become a member by paying five dollars, and may continue a member by paying annually such further sum as may be fixed at the Annual Meeting, not exceeding ten dollars. On payment of one hundred dollars, any person may become a life member, exempt from assessments. Honorary and corresponding members may be elected, and exempted from the payment of assessments.

V. The Council shall have sole power to call and conduct General Meetings, and to publish the Transactions and other documents of the Association. The Department Committee shall have power to call and conduct Department Meetings.

VI. No amendment of this Constitution shall be made, except at an annual meeting, with public notice of the proposed amendment.

# American Social Science Association.

(Founded in 1886.)

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1889-90.

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[All Officers are *ex-officio* members of the Association; but persons serving on the Department Committees may or may not be members of the Association. In this present list, the annual members are given alphabetically, without reference to States; then the life members follow, classified by States; and, finally, the honorary and corresponding members. The only distinction between honorary and corresponding members is that the former reside in the United States, the latter in foreign countries. It is a rule of the Association to drop from the list of annual members those who have not paid their assessment for two years, but members so dropped can be restored to the list by paying their arrears. If former members do not find their names on the list as it now stands, it will generally be for the reason just mentioned.]

No List of Members of the Association, as printed, can ever be quite complete, so many changes occur by death and withdrawal, the accession of new members, etc. The following list is as complete as the Secretary could make it up to Feb. 1, 1890; but, no doubt, the addresses of several members are wrong, and there are instances of names misprinted, etc., of which the Secretary will thank any person to notify him when the fact is observed.]

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## I. PAPERS OF THE JURISPRUDENCE DEPARTMENT.

### 1. THE ECONOMIC LAW OF MONOPOLY.

BY E. BENJ. ANDREWS,

PRESIDENT OF BROWN UNIVERSITY.

(Read Thursday, September 5.)

It is proposed in this paper to consider under what conditions a business monopoly may be created or maintained, what the normal economic effects of monopolies are, and what course of events would be entailed, should monopoly entirely succeed free competition as the principal form of commercial enterprise. These are inquiries on which almost nothing has been written, competition having hitherto been assumed as the certain postulate of all economic analysis and generalization. Fresh study in this region is pressing needed. Competition in its ancient and familiar form is passing away, never to reappear. Monopoly, the new order, has in it the power to be immeasurably superior to that which it supplants.\* Society will find, however, that, to realize this unbounded potential advantage, it must, more than has been necessary heretofore, substitute its own conscious control over the work of production for the spontaneous action of economic forces. If, through ignorance or undue reverence for tradition, it shall fail to do this, monopoly will prove no factor of social advance, but precisely the reverse. In this matter we stand to-day at Shechem, — Mount Ebal upon one side, Mount Gerizim upon the other. Whether blessing or cursing awaits us, it is ours to decide.

A monopoly may be said to exist in any business when such a control is anywise exerted therein as to keep selling prices from being fixed by the law of supply and demand.†

\* This paper was criticised when read, as not recognizing sufficiently the *advantages* of monopoly. I mean to do full justice in this regard; and the careful reader will not, I think, consider me to have failed. If I did not enter into lengthy discussion upon the point, it was from a conviction that such a course was no longer necessary.

† Another criticism at Saratoga had regard to this definition, condemning it as too broad, and as involving in censure all cases of large capital under a single control. The definition may be imperfect, yet seems to me to contain no such implication. Very many mammoth enterprises carry with them no monopoly whatever.

Monopoly may be either natural or artificial. As a fine illustration of a natural monopoly, the late Mr. Senior, in one of the few regular discussions of this subject with which I am acquainted, presents the ownership of the Constantia vineyard. Constantia wine owes its rare and delicate flavor to the very peculiar character of a few acres of ground. No other land will yield the like, so that no person save the owner of Constantia farm can be a producer of the wine. There is, I believe, but one nickel mine in this country. If there were no other in the world, this mine would be just like Constantia, a monopoly existing in the nature of the case. As a matter of fact, art, in the form of revenue legislation, here co-operates with nature. All proprietorship of mines, of land, or of water-power, in the same way naturally involves monopoly. The legislation granting titles in such cases does not create, it merely assigns, the monopolies. Government also, in its strict sphere, is a natural monopoly; for, though any particular form of polity may originate artificially, civil rule in itself is no less spontaneous than life. A railroad, once created, has a natural monopoly of its strictly way traffic, inasmuch as, when the power to be a railroad has once been given it by law, monopoly arises independently of all further legislation. Great original endowments in any economic direction, on the part of individuals,—the genius of a Webster, of a Garrick, of a Thomas Brassey, of an Edison,—manifestly constitute in each case a natural monopoly.

When, on the other hand, as so often under Elizabeth and James I., public power grants the exclusive right to manufacture or sell any commodity, the monopoly originates in the grant, artificially, and not in the nature of the case. Seal-fishing in the Northern Pacific, so far as controlled by our government, is an artificial monopoly. The sale of tobacco in nearly all continental countries is the same. Examples of governmental monopoly could easily be multiplied; but the phenomenon is in fact too simple to be dwelt upon.

But the most interesting artificial monopolies are not those which arise from the action of government. They are the *laissez-faire* monopolies,—those, that is, which private parties or combinations of private parties erect. To this variety belong, for the most part, the monopolies connected with the trusts, syndicates, and combinations, so common and famous at present. None of them are the pure products of nature; and few, if any, owe their existence wholly to the agency of law, helpful as this may be to

some. They are indebted for their life and continuance, mainly, some of them wholly, to the massing and the adroit manipulation of capital.

That monopolies quite often come into being and endure for a time in this way no one can possibly deny. The recent French Copper Syndicate offers an example. So does every corner in wheat, salt, lead, or other article of trade. That, however, massed capital alone, without special favor from natural circumstances or from law, can be made the *permanent* basis of monopoly, many deny. I believe that such denial is a mistake, and that what is thus declared impossible has occurred, is occurring, and is destined to occur more and more.

It is not meant by this that all forms of business are monopolized with equal ease. Some of them unquestionably could not, unless by the government itself, be monopolized at all. So far, and in this sense, the language used a moment ago may be qualified, and the admission made that every successful monopoly must have had the aid either of nature or of law. Precisely within what precincts *laissez-faire* monopoly is confined by nature it would at present be difficult to say with any certainty. Tentatively, I venture to formulate as follows: that *laissez-faire* monopoly is precluded in a business in proportion as it can be carried on with small capital, and independently of both location and organization. The denial that a permanent *laissez-faire* monopoly is anywhere possible is undoubtedly prompted to a great extent by a misunderstanding as to what it requires to constitute a monopoly. Many evidently suppose that monopoly is impossible in an industry, so long as any sort of competition prevails there. If the competition is other than formal, this is of course true; but, in several businesses where what may be called competition still exists, it is not real: it is simply formal. The point deserves special attention.

It is maintained that the Standard Oil Trust, for instance, cannot be in the enjoyment of a monopoly, because there remain active refineries not leagued with it. The argument is thought to be re-enforced by the observation that the number of outside concerns has even increased, perhaps doubled, since the trust went into effect. A moment's reflection will show the inference to be unwarranted. It is not necessary, in order that a great business may be a monopoly, or, what is the same, keep a higher than competitive price upon its goods, that it should directly control the entire production. Immediate mastery of a decided majority is practically the mastery of all.

No one will question that the Copper Syndicate enormously elevated prices above what competition would have made them; yet it purchased only about three-fifths of the world's entire product. This enabled it to dictate prices to consumers; and all the little producers not in the syndicate came in for a part of the advantage.

Now, this syndicate, a combination of the very loosest order, lasted nearly eighteen months, and during its continuance imposed upon the commodity in all the markets of the world a purely arbitrary price, not far from 100 per cent., on an average of the whole time, above what it would naturally have been. Even now the copper corner has not been definitively ruptured. Prices are not yet normal. A monopoly market remains, and must till the immense supply of copper which the manipulators of the metal piled up in Paris has been disposed of. Even the still more informal agreement at present subsisting suffices to keep the metal at least two cents a pound above what open competitors would be taking. In view of this history, I cannot doubt that, had the Copper Trust been solidly organized like the Standard Oil Trust, and administered with any approach to the energy and methods of that organization, it would have become a permanent institution.

That this might have been is further indicated by the history of the Canadian Oatmeal Millers' Association, a ring for depressing the price of oats and raising that of meal. It has closed ten mills, paying them from \$300 to \$800 each per annum, or a total of \$6,312, for their inactivity. The Canadian Parliament's Trust Committee of last winter found that the outside mills, numbering about twenty-five, are "of such limited capacity that their influence is not materially felt in the general market; but they avail themselves of whatever advantage the combination gives them to keep up prices."

The principle here is similar to that of rent. Price-fixing by the dearest cost of production is another analogue. As the most cheaply produced part of the product will not "go round," the whole which the demand requires sells at the rate necessitated for that which costs the most. Still another illustration is the cost to the American people of our Hawaiian sugar. We know that sugar rates to consumers have not been lowered by the entry of the Hawaiian crop into this country duty free, for the reason that not enough thus comes in to supply the market. So, still further, the silver dollar continues at gold par because not sufficient silver dollars or

certificates circulate to do the country's required money work. In the same way, unless the small producers who pretend to compete with a given combination can enlarge their capacity sufficiently to supply the market, it remains for the combination to say what prices shall be. In other words, monopoly is possible in spite of any competition which is merely apparent.

We are told that the competition of capital with capital inevitably breaks down a monopoly so surely as the monopolists elevate prices above the level of normal cost. This theorem, when considered purely *a priori*, seems very specious. Exorbitant prices of course mean exorbitant profits. But an extraordinary rate of profit in any industry is sure, one would suppose, to call capital from less productive channels into this, until the return for the use of capital has been brought down again to the usual level.

That this is the tendency must be admitted; but there is much to thwart it, to prevent the alleged result. There is a tendency to uniformity in wages between different trades and different grades of laborers, but wages never become uniform. So there is a tendency to identity between different nations in the prices gotten for like articles of commerce, but international prices never agree.

One strong reason why large profits by no means always evoke much competition in the industry which gives rise to them is that so few know how large they are. The public rarely has other than the most indirect and imperfect means for assuring itself whether a business is especially lucrative or not. The publication of dividends is no certain guide. High dividends may imply depletion of capital, as low ones may be but a symptom of valuable enrichment to the plant. Innumerable are the arts familiar to the higher book-keeping, whereby even stockholders are kept ignorant whether businesses in which they themselves are interested are or are not in a prosperous way.

It may be thought that some of the interested parties, at any rate, must know the real rate of profits, and that, if it is great, these will secretly undersell, dissolving the ring from within. The rickety species of combination formerly prevalent certainly involved this danger, and the fate suggested certainly overtook many. But the trust obviates this risk beautifully and entirely. Trusts in the proper sense have absolutely nothing to fear from within. The sole question is whether they can be overthrown from without.



I maintain that there are no economic forces on which dependence can be placed to work this result. The capital necessary for *bona fide* competition in any of the great industries of our day is immense, and must needs be still more so in future. To fight the Sugar Trust, the Whiskey Trust, or either of the trusts in oil, you must have resources not to be brought together on an uncertainty or at simple notification, because, as I again beg you to remember, *bona fide* competition requires the means for supplying the entire market. But, even were the capital forthcoming in a day, months or years would in most cases necessarily have to be spent in setting out the plant and bringing it to bearing condition. Skill, too, must in some way or other be acquired, which might take longer yet.

During all the time of its preparation and incipient work, the new interest is subject to attacks from the old; and, if the old uses its advantages with only a fair measure of skill and resoluteness, the new must die ere fully alive. The instant it enters the market, it finds itself fatally underbidden. It fights, loses, and tries elsewhere. Its foe confronts it in the next field as in the first; and the struggle is repeated, probably with the same result. Such a campaign is nearly certain to go against the upstart, even when no legal rights are transgressed. But this is hardly ever the case. Appeal is found necessary to courts and legislatures; and these bodies, even if not corrupt, as they too often are, will, as a rule, be more apt to favor the established than the struggling enterprise. This is not speculation. Ample history teaches us what kind of event to expect in such a conflict.

Meanwhile is working a motive totally ignored by most writers on this subject, which very often indeed leads a monopoly's formal competitors of their own accord to continue formal competitors only, instead of making earnest and relentless war upon it. If willing to do this, they may, within large limits, share all the profits of the monopoly without any of its responsibilities, while perhaps enjoying in addition the reputation of glorious martyrdom for the public good. How this is possible has been suggested already. Establishments not in the combination, so long as its monopoly endures, are, in spite of themselves, its parasites, lifted up and nourished by its power. They are related to the monopolists proper just as rent-takers are to marginal cultivators. Often, doubtless, they are not aware of this, and sincerely suppose themselves to be receiving competitive prices. Yet we know too much

of human nature to believe that this can always be their thought. If Mr. Claus Spreckels, for instance, should require another year or two before commencing to refine sugar in Philadelphia, not a few people will be led to suspect him of subservience to the consideration of which I speak.

But suppose, in spite of first opposition, all things finally in readiness for full production, along with an earnest determination to compete. The great chimneys smoke, the wheels turn, and the market teems with the rival's goods. The uncertainty is but just begun; and it cannot but be greater, as a rule, for the new concern than for the old. Veritable competition between immense business enterprises is in our day no baby affair,—no mere case of friction or gentle collision, from which one of the parties is going to retire so soon as hurt. It is a battle of Titans, of bull-dogs. The signal for letting go is likely to be death, not pain or a little blood. So vast the stake, each side is pushed by every economic consideration to make the struggle one for victory or annihilation. While the duel lasts, the public is supplied with the products, not at competitive prices in the proper sense, but at cut rates, lower than healthy competition would induce. Such a state of things is not economically good for the community as a whole, because it can go on only at the cost of impoverishing producers for the sake of consumers. This means, of course, that it cannot long endure at any rate. Either of two results must have place. Faint-heartedness may bring truce or one or the other of the two gladiators may utterly succumb. In either case, monopoly is resumed again.

But, were it true that every *laissez-faire* monopoly which arises must at length fall, the success of most of them for so great a length of time is sure to call new ones into life whenever old ones die. Whatever ability our industrial system possesses to overturn a given monopoly, is an ability, not to restore old time competition, but simply to substitute one monopoly for another.

Meantime, observe, the fall of this or that monopoly does not, as many seem to imagine, constitute the slightest recompense to society for any plunder to which it may have been subjected. After the Chicago fire, fire underwriters enormously elevated their rates. Of course, the profits, so high, toled new companies into existence, many of which ultimately became insolvent. Before collapsing, however, most had made money inordinately, enriching their stockholders at the public expense. And when, at last, com-

petition rendered even normal winnings impossible, so that some of the companies failed, did the failure recoup the community? Not at all. The broken organizations settled as they could, got new charters, and proceeded to business again on such terms as they then found possible.

The moral of this is that a succession of monopolies in a business is quite as likely to bleed society as a single permanent one. In other words, were we to grant, contrary to what was shown above, that a power resides in competition to break down sooner or later every monopoly which comes into being, this power would have to be accounted an evil rather than a good, unless supplemented by some resource which should either prevent new monopoly out and out or else render all monopoly innocuous.

In what has been said it is implied that monopoly prices are about certain to be higher than competitive prices. The philosophy of this must now be traced. When a commodity hitherto produced competitively begins to be turned out under the auspices of a monopoly, cost obviously no longer regulates price. The range of prices is likely to be quite arbitrary for a time, the seller's whim being perhaps sobered a little by his memory of old, competitive rates. Slowly caprice gives way to law; but it is a new law, that of men's need. Prices go higher and higher, till demand, and hence profit, begins to fall off; and they then play about the line of what the market will bear, just as they used to about that of cost. The producer can be more or less exacting according to the nature of the product. If it is a luxury, the new law may not greatly elevate prices above the old notch. If it is a necessity, he may bleed people to death. Imagine a monopoly over quinine in the midst of a typhoid epidemic.

The price cannot of course fall below the cost of production; but, if the monopoly is close and the article one of necessity, it may indefinitely exceed cost. This might on rare occasion be the case even in a luxury. If fashion were to make Constantia wine an object of intense desire among the wealthy, a pipe of it costing \$100 might sell for \$100,000. Let Constantia become indispensable to life, and the ratio of selling price to cost would be even greater than this.

But the law of monopoly price shows its full significance only when industry is considered dynamically. Whereas a *régime* of competition speedily throws into the lap of consumers all the benefits arising from improved processes in production, monopoly tends

to retain all these in producers' hands. It may thus come to pass that, even when prices experience no absolute rise, or even fall a few points, they still range far above what they would have been if governed by competition, the producer pocketing all the gains afforded by new inventions in machinery and methods, whether made by himself or by others. In a case like this, the circumstance that prices have not risen makes it specially easy to deceive the public. The profits, how exorbitant soever, are not likely to be published; and the fact that they arise more or less at the expense of all of us, since now, though we pay no higher than formerly, we still do pay more than we should have had to pay with competition, is too recondite for popular attention. Press and platform echo the praises of such a monopoly, when it may in fact be a much worse leech upon the body politic than another which, having elevated prices a little absolutely, is deafened with a perfect diapason of anathema.

If the lessened cost of the article is entirely due to the monopoly, or to the skill and exertions of those who profit thereby, many will be of opinion that the monopolists have a right to all the gains thus arising. Massed capital and centralized control are tremendous advantages, and may be made vastly to cheapen production. Ought not those to reap the gains who render possible these better conditions of industry? Ought not society gladly to acquiesce in an arrangement, though perhaps excessively profitable to a few, which furnishes it a given line of products as cheaply as competition ever did?

This is a purely ethical question, not economic at all. I shall therefore not open it to discussion, as I am dealing only with economic laws. Permit a remark or two, however. Monopolists often utilize, to swell their own dividends, improvements which they had no hand whatever in originating, and of which they have gotten the control by the most doubtful means. To the proceeds of these society has as good a claim as they. Again, it seems clear that society's right, whether enforceable or otherwise, to participate in the advantages which the bettered means of production in any department afford, is not cut off at the limit which invention had reached when the monopoly was established. Some advancement would surely have been made, even if competition had continued. This would then naturally have accrued to the weal of all of us; and the use of any means to thwart such a result would have been denounced as an infringement of our rights. If

that judgment would have been just, the public is justified in demanding at least that share in the present profits of any form of production now monopolized which would have fallen to it, had not the monopoly arisen. Hence, even if we limit society's right in the manner just indicated, the mere truth that a monopoly has not elevated prices is no proof that its riches have not been gotten in part at the expense of consumers. But I, for one, should not always agree to this limitation of the social claim, since, though an existing monopoly may have effected colossal saving, as much as you please beyond what would have been possible with competition, a different private monopoly or control by the State itself might have done far better still. Patent rights are limited, however probable it may now and then be that but for the patentee the improvement would never have been made.

The plea is sometimes interposed that no harm can come to people in general, let monopoly profits be never so high, for the reason that the winners cannot possibly keep to themselves what they get. The wealth cannot remain piled up, it is said, but the very motive which prompted the amassing of it must lead to the use of it; and this cannot take place without a wide and rich dissemination of its benefits.

Such as find comfort in this thought are very easily pleased. The same logic could be employed to justify the creation of financial princes by taxation outright. Any such policy would desperately discourage wealth-creation, even if every cent of the vast piles were to be productively employed. The greater part might be invested abroad,—profitably for owners, at a little less than dead loss to their fellow-citizens. But a generally lucrative employment of so great wealth, either at home or abroad, could not be expected. Excessive incomes, save in rarest cases, however thriftily intentioned their recipients, cannot be invested in the wisest manner. But economists are forced to observe that inordinate wealth almost inevitably tends to impair thrift, leading its possessors to substitute unproductive for productive forms of expenditure.

It should be noticed here that the wealthy make investments of many sorts, which, though strictly not in the nature of waste, yet practically deplete society's fund of capital no less than if they were. To purchase extensively in fine art, whether for public behoof or private, to build a palatial house, or to send money to the heathen, has upon general industry precisely the same effect,

at least in the first instance, as to pay away the same sums for needless servants and equipage, or upon feasts, liquors, and women. Intensely congested wealth certainly tends to find vent, yet to the damage rather than to the advantage of labor. We should always draw a distinction between the co-operation of capital on a gigantic scale, which always has in it great possibilities of good, and colossal individual fortunes.

If the positions of the foregoing discussion have been well taken, certain propositions of very considerable consequence may be laid down. Of these, those whose importance is mainly economic are as follows:—

1. That, in a great variety of industries, perhaps a majority of all, permanent monopolies may be maintained, apart from any legislative or special natural aids;
2. That extensive competition may exist which is formal only, and not real;
3. That a combination which is faced merely by formal competition possesses a monopoly no less than if there were no competition at all;
4. That competition of capital with capital, in businesses where *laissez-faire* monopoly is possible any way, will never permanently break down monopoly;
5. That when wealth is congested, whether by monopoly or otherwise, no economic laws avail thoroughly or healthfully to disseminate it again;
6. That monopoly prices are determined, not by cost of production, but by the tolerance of the market, by what the market will bear;
7. That prices under the law of the tolerance of the market, while never lower than cost, range more or less above, according as the articles approach more the nature of necessities or that of luxuries.

The practical and sociological bearings of what has been said are grave in the extreme, so grave, indeed, that I somewhat hesitate to announce them, lest you regard me as an alarmist.

No economic laws prevent the permanent existence of monopolies, or the extortion by them of prices more or less beyond those which competition would impose. It is undoubtedly conceivable that monopolists should sell at a mere fair advance on cost, just as it is that competitive producers should give away their wares outright. But, as no economic force leads to either of these

results, the economist cannot take account of them save as bare, incalculable possibilities.

In most of our substantive industries, monopoly production is sure to arise, if it has not already done so ; and only some sort of legislative regulation can protect consumers from having to pay needlessly high for their products. If things are left to drift, the measureless and intrinsically benign power of massed resources and central control will, without fail, inure to the good of the few, and not to that of the many. The rich will grow ever richer, and the poor poorer. The great nodes, or centres, of special "lucrations," must of course grate against each other, since the constituents of each stand to the rest in the relation of consumers. In fields where strong organization is possible, all lateral impact will encounter opposition. When, gradually, the line of least resistance is found and followed, it will lead downward. The ultimate victims will be the laboring masses and the devotees of the feebler industries, where effective combination is the least possible.

However, if I may perchance be an alarmist, I am not myself alarmed. Our sole present needs are information, courage, and willingness to take new steps in industrial evolution so soon as they are proved to be wise. In the ages past, society has never gotten itself into an imbroglio without somehow finding a way out. It will be so now.

## 2. THE CONSTITUTIONAL GUARANTEES OF THE RIGHT OF PROPERTY AS AFFECTED BY RECENT DECISIONS.

AN ADDRESS BY HON. GEORGE HOADLY, OF NEW YORK.

(Read Sept. 3, 1889.)

The purpose of this paper is to endeavor to ascertain the extent to which the right of property in this country has been affected by recent decisions of courts of last resort, and how far such right still remains free from legislative control and interference, notwithstanding these decisions. I wish to ascertain, if possible, the exact nature and extent of the assurance the citizen now has, in acquiring property, that its free use cannot be affected by subsequent legislation.

The guarantees of life and liberty, contained in Bills of Rights and other constitutional provisions, must be referred to; but the main purpose in view relates to rights of property only. As to these, I have no new facts to present. My sole purpose is to collate those known to every lawyer so as to see whither they have led us.

The first guarantee of the immunity of property from governmental control known to English-speaking peoples is to be found in the following language of *Magna Charta*:—

No freeman shall be taken, or imprisoned, or disseized, or outlawed, or exiled, or in any ways destroyed, nor will the king pass upon him or commit him to prison, unless by the judgment of his peers or the law of the land.

In the charter of Henry III. this language was slightly varied so that it ran thus:—

No freeman shall be taken or imprisoned or disseized of his freehold or his liberties, or of his free customs, etc., etc.

Lord Coke says that the term "law of the land," here used, meant, during the reign of King John, and means,—

due process of law, and the presentment or indictment of good and lawful men, and being brought to answer thereto by due process of law.



The term "law of the land," so said to be synonymous with "due process of law," was not, in England, considered inconsistent with the power of legislative attainder. Such attainder was "due process." The Parliament of England, it must be remembered, has always exercised not only full legislative, but executive and judicial powers.

As a legislative body, it is called "omnipotent." As a judicial body, its decisions are protected by the rule of *res adjudicata* from collateral attack.

Sir William Blackstone says, 1 Com. 160:—

The power and jurisdiction of Parliament, says Sir Edward Coke, is so transcendent and absolute that it cannot be confined, either for causes or persons, within any bounds. And of this high court, he adds, it may be truly said, "si antiquitatem spectes, est vetustissima; si dignitatem, est honoratissima; si jurisdictionem, est capacissima." It hath sovereign and uncontrollable authority in the making, confirming, enlarging, restraining, abrogating, repealing, reviving, and expounding of laws concerning matters of all possible denominations, ecclesiastical or temporal, civil, military, maritime or criminal; this being the place where that absolute despotic power which must in all governments reside somewhere is intrusted by the Constitution of these kingdoms. All mischiefs and grievances, operations and remedies, that transcend the ordinary course of the laws are within the reach of this extraordinary tribunal. It can regulate or new model the succession to the crown, as was done in the reign of Henry VIII. and William III. It can alter the established religion of the land, as was done in a variety of instances in the reigns of King Henry VIII. and his three children. It can change and create afresh even the Constitution of the kingdom and of Parliament themselves, as was done by the Act of Union, and the several statutes for triennial and septennial elections. It can, in short, do everything that is not naturally impossible; and therefore some have not scrupled to call its power, by a figure rather too bold, the omnipotence of Parliament.

Judge Cooley's annotation upon this passage is the following (1 Bl. Com. 160, note 13):—

By this is meant that Parliament is potent above all other powers in the realm, and whatever it shall assume to do no one else may question. It is not a law-making power merely, but may execute laws through its own agencies, and at its discretion may dispose of rights, and even take away life, as has often been done by means of bills of attainder.

In his work on "Constitutional Limitations," at side page 259, the same learned author says:—

A bill of attainder was a legislative conviction for an alleged crime, with judgment of death. Such convictions have not been uncommon under other governments, and the power to pass these bills has been exercised by the Parliament of England at some periods in its history, under the most oppressive and unjustifiable circumstances, greatly aggravated by an arbitrary course of procedure, which had few of the incidents of a judicial investigation into alleged crime.

As attainder involves forfeiture of titles and estates as well as corruption of blood, it follows that, notwithstanding the language of *Magna Charta*, Parliament was clothed with the power, without judicial action, to deprive citizens of their lives, liberty, and property. This authority was often resorted to.

It is supposed that the power of legislative attainder might have been exercised by the Colonies; but the tendency of opinion in this country, even before the Revolution, was against the exercise of arbitrary powers of any kind.

Judge Cooley says at side page 260:—

For some time before the American Revolution, however, no one had attempted to defend it as a legitimate exercise of power.

It is right, however, to add that exile, even with the consequence of loss of estate, which was one of the results of taking the Tory side in the Revolution, was in great measure self-imposed.

The Revolution involved the establishment of the United States of America as an independent government, by force of arms; and he who took sides with the mother country was properly enough held to have elected the result of his own action, and to have become, by free choice, an alien enemy, and, as such, subject to loss of estate; but, as we shall see presently, even in this case the harsher consequences of his conduct were not always arbitrarily visited upon him, without a hearing and judicial condemnation. The State of Massachusetts, after assent to the Articles of Confederation, and while she still possessed the full power of legislative attainder, provided by law, April 30, 1779, that,—

Every inhabitant of this or any other of the late Colonies or then States, who since the 19th of April, 1775, had withdrawn without the permission of the legislative or executive authority of this or some other of the United States into parts or places under the acknowledged authority or dominion of the King of Great Britain, and had not before the passing of the act returned into

some one of the United States, and been received as a subject thereof, and (if required) taken an oath of allegiance to such States, shall be held, taken, deemed, and adjudged to have freely renounced all civil and political relations to each and every of the United States, and be considered as an alien.

The case of *Kilham v. Ward*, 2 Mass. 236, arose under this act. It was argued by Joseph Story and Samuel Putnam. The result I quote from the syllabus as follows:—

A person who left this country after the commencement of the Revolutionary War, went to, and resided in, the British Territories for several years, and returned to the United States before the treaty of peace, is a citizen, and not an alien. The Absentee Act of April 30, 1779, operates no disqualification upon a person who was not prosecuted and convicted under it.

Concurring opinions were pronounced by Parker, Sewall, and Sedgwick, JJ. The following is an extract from Judge Parker's opinion (p. 264):—

Such acts, in my opinion, cannot operate *ipso facto* against any persons except those who are expressly named in them, and whose particular cases may therefore be presumed to have undergone an examination by the legislature. Persons who are not so named, who are in the situation of the plaintiff, have a right to claim a trial and hearing before the act shall affect them.

Our fathers, whose legislative leaders were educated English lawyers, first struck at the root of the doctrine of Parliamentary omnipotence by the emphatic language of the Declaration of Independence:—

We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and pursuit of happiness; that to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed.

In the case of *Dauphin v. Key*, McArthur & McKay's Reports, at page 217, Judge Cox, of the Supreme Court of the District of Columbia, after quoting the Declaration of Independence, well says:—

That the right to liberty and the pursuit of happiness includes the right to enjoy and acquire property. These are the rights, then, fundamental, natural, and antedating all constitutions, which this Amendment (the Fifth Amendment to the Federal Constitu-

tion) was designed to protect. To deprive of these would be punishment, except when the property is taken in the exercise of the right of eminent domain.

The Massachusetts Constitution of 1780 was drafted by John Adams, Samuel Adams, and James Bowdoin. The preparation of the Bill of Rights was committed to John Adams alone. The first article of the first part, so prepared by Mr. Adams, is in these words :—

All men are born free and equal, and have certain natural, essential, and unalienable rights, among which may be reckoned the right of enjoying and defending their lives and liberties; that of acquiring, possessing, and protecting property; in fine, that of seeking and obtaining their safety and happiness.

The adoption of this provision of the Massachusetts Constitution subsequently became the basis of a decision by the Supreme Judicial Court of the State, to the effect that it *ipso facto* abolished slavery, so that we may ascribe to John Adams the honor, as the draughtsman of this provision, of being the pioneer in the work of emancipation by law in the American States. To him and to Mr. Jefferson may be ascribed the immortal honor of establishing the inalienable character of liberty, a principle without which the Thirteenth Amendment to the Federal Constitution, abolishing slavery without compensation to masters, could only be defended as an act of war and conquest.

It will be observed that Mr. Adams and Mr. Jefferson class the right of property and of personal liberty together, Mr. Adams in terms, Mr. Jefferson by embracing the former under the words, "and the pursuit of happiness."

The Constitution of the United States followed, in 1789, with the provision (Article I., § 10):—

No State shall . . . pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts.

The Fifth Amendment was proposed by the First Congress, September 25, 1789, and ratified, before the expiration of a year, by the votes of nine out of the fourteen States, and by Vermont and Virginia afterwards; namely, on November 3 and December 15, 1791, respectively. It contains the following provision :—

No person shall . . . be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

The Fifth Amendment controls only the Federal Government, and has no effect upon the exercise of power by the States. This defect in the Federal Constitution was remedied by the *Fourteenth* Amendment, proposed to the Legislatures of the States by Congress, June 16, 1866, which, as appears from a concurring resolution of Congress, was ratified by a sufficient number of States before July 21, 1868. The joint resolution required it to be duly promulgated as part of the Constitution, by the Secretary of State, and this was accordingly done July 28, 1868, thirty out of the thirty-six States then constituting the Federal Union having consented to such adoption.

The Fourteenth Amendment contains, in its first section, this provision :—

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

Two circumstances seem to me to be of transcendent importance in the consideration of this subject.

*First.*—That the Federal Constitution absolutely rejects the idea of Parliamentary omnipotence, and is framed upon the theory that if governmental omnipotence reside anywhere, it is with the States and the people, and not their Representatives and Senators in Congress; that all practical government is delegated, either expressly or by necessary implication. As to the State Constitutions, it is unnecessary for the present purpose to controvert the commonly accepted idea that Parliamentary omnipotence of legislative power is conferred upon the State Legislatures, except where expressly forbidden or restricted, for the reason that we are here confronted with a direct inhibition in the *Fourteenth* Amendment, which expressly qualifies and limits the general grants of legislative power over rights of life, liberty, and property, leaving them subject only to "due process of law," but leaving the character of such process undefined.

*Secondly.*—The Fifth and Fourteenth Amendments are supplements, the former to the Federal Constitution, the latter espe-

cially operating by way of amendment and proviso to the Constitution of every State in the Union. The value of this suggestion can be best brought before the mind by adopting the language of Mr. Justice Bradley, used in his dissenting opinion in the Virginia Coupon cases, reported in 114 U. S. Chief Justice Waite, Justices Miller and Gray united in the dissent. At page 331, Mr. Justice Bradley, speaking for himself and these three eminent associates, uses the following words, from the principles stated in which I do not believe any American lawyer would dissent, however much he might differ as to their application :—

If the contract clause and the Eleventh Amendment come into conflict, the latter has paramount force. It was adopted as an amendment to the Constitution, and operates as an amendment of every part of the Constitution to which it is at any time found to be repugnant. Every amendment of a law or constitution revokes, alters, or adds something. It is the last declared will of the law-maker, and has paramount force and effect. The States became dissatisfied with certain parts of the Constitution as construed by the courts, whereby, in a manner not anticipated, they were subjected to be dragged into court like a common delinquent at the suit of individuals. They demanded that this should be changed, and it was changed by the Eleventh Amendment. The language of the Constitution was not changed, but it became subject and subordinate to the paramount declaration of the amendment. The Constitution still declares that no State shall pass any law impairing the obligation of a contract; but the effect of the amendment is that, even if a State should pass a law impairing the validity of its own contract, no redress can be had for the enforcement thereof against the State in the Federal courts. . . . Moreover, the Eleventh Amendment is not intended as a mere formula of words, to be slurred over by subtle methods of interpretation, so as to give it a literal compliance, without regarding its substantial meaning and purpose. It is a grave and solemn condition, exacted by sovereign States, for the purpose of preserving and vindicating their sovereign right to deal with their creditors and others propounding claims against them, according to their own views of what may be required by public faith and the necessities of the body politic. We have no right, if we were disposed, to fritter away the substance of this solemn stipulation by any neat and skilful manipulation of its words.

What Mr. Justice Bradley has said of the Eleventh Amendment as truly applies to the Fifth and Fourteenth Amendments. They are the last mandates of the people, and as such they restrict and control the Federal and State Constitutions and must be upheld,

notwithstanding any power with which they come in conflict, previously granted in however express terms, and certainly ought to be upheld as against the police power, which, except perhaps in Vermont, is exercised by State Legislatures only in virtue of the general delegation of legislative power contained in the Constitutions of the States.

The Constitution of Kentucky still restricts suffrage to white males; but, by force of the *Fifteenth* Amendment to the Federal Constitution, the right of suffrage has been extended, even in Kentucky, to blacks as well as whites. With what propriety can it be claimed, in view of the adoption of the *Fourteenth* Amendment, that an antecedent general delegation of all legislative power or a specific delegation of all police power shall overrule the mandate of the Amendment? This result has been accomplished, it is true, but not by disregarding the rule: it has been accomplished by construing it away.

In the cases of *Cummings v. State of Missouri*, 4 Wall. 277, and *Ex Parte Garland*, 4 Wall. 433, the Supreme Court of the United States were called on to determine the extent of protection to the citizen afforded by the provisions of the Constitution forbidding bills of attainder and *ex post facto* laws. In both cases, Mr. Justice Field reported the opinion of a majority of the judges. The former was the case of a Catholic priest deprived of the right to administer the offices of his church, by the Constitution of the State of Missouri, for want of an oath of loyalty. The counsel for the State argued that,—

To punish one is to deprive him of life, liberty, or property; and that to take from him anything less than these is no punishment at all.

At page 320, Mr. Justice Field, for the majority of the Court, answering this proposition, says:—

The deprivation of any rights, civil or political, previously enjoyed, may be punishment, the circumstances attending and the causes of the deprivation determining this fact. Disqualification from office may be punishment, as in cases of conviction upon impeachment. Disqualification from the pursuits of a lawful avocation, or from positions of trust, or from the privilege of appearing in the courts, or acting as an executor, administrator, or guardian, may also, and often has been, imposed as punishment. . . . "Some punishments," says Blackstone, "consist in exile or banishment, by abjuration of the realm or transportation; others,

in loss of liberty by perpetual or temporary imprisonment" . . . (page 321). The theory upon which our political institutions rest is that all men have certain inalienable rights,—that among these are life, liberty, and the pursuit of happiness; and that in the pursuit of happiness all avocations, all honors, all positions, are alike open to every one, and that in the protection of these rights all are equal before the law. Any deprivation or suspension of any of these rights for past conduct is punishment, and can be in no otherwise defined. Punishment not being, therefore, restricted, as contended by counsel, to the deprivation of life, liberty, or property, but also embracing deprivation or suspension of political or civil rights; and the disabilities prescribed by the provisions of the Missouri Constitution being in effect punishment, we proceed to consider whether there is any inhibition in the Constitution of the United States against their enforcement . . . (page 322). "No State shall pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts." A bill of attainder is a legislative act which inflicts punishment without a judicial trial. If the punishment be less than death, the act is termed a bill of pains and penalties. Within the meaning of the Constitution, bills of attainder include bills of pains and penalties (page 323).

*Ex Parte Garland* was the case of Attorney-General Garland, who had been excluded from the right to practice law for want of an oath of loyalty. At page 377, of the Fourth Volume of Wallace's Reports, Mr. Justice Field, again pronouncing the decision of the majority of the Court, says:—

The statute is directed against parties who have offended in any of the particulars embraced by these clauses. And its object is to exclude them from the profession of the law, or at least from its practice in the Courts of the United States. As the oath prescribed cannot be taken by these parties, the act, as against them, operates as a legislative decree of perpetual exclusion. And exclusion from any of the professions or any of the ordinary avocations of life for past conduct can be regarded in no other light than as punishment for such conduct. The exaction of the oath is the mode provided for ascertaining the parties upon whom the act is intended to operate, and, instead of lessening, increases its objectionable character. All enactments of this kind partake of the nature of bills of pains and penalties, and are subject to the constitutional inhibition against the passage of bills of attainder, under which general designation they are included.

*Pierce v. Carskadon*, 16 Wall. 234, decided in 1872, affirmed the opinions pronounced in the *Cummings* and *Garland* cases.

In this case, it was held incompetent for the Legislature of



West Virginia to require a test oath, or oath of loyalty, as a condition precedent to the opening of a judgment rendered without personal service.

In the *Cummings* and *Garland* cases there was much division of opinion in the Supreme Court, the result having been reached in each case by the votes of five justices,—namely, Justices Wayne, Grier, Nelson, Clifford, and Field, against the dissenting opinions of Chief Justice Chase, Justices Miller, Swayne, and Davis. In *Pierce v. Carskadon*, Mr. Justice Bradley alone dissented. In *Dent v. West Virginia*, 129 U. S. 11, the *Cummings*, *Garland* and *Pierce* cases were reaffirmed in an opinion by Mr. Justice Field, or, to speak more accurately, it was held that an act of West Virginia requiring practitioners of medicine to establish their qualifications to the satisfaction of the State Board of Health, by proof of graduation from a reputable medical college, or ten years' continuous practice in the State or by examination, was not forbidden by the Constitution of the United States, notwithstanding those decisions.

Missouri, following the policy of rigidly excluding disloyal persons, and those who might refuse the oath of loyalty, from political rights, was confronted and set at defiance by one of the most intensely loyal citizens of the State. After the close of the war, General Francis P. Blair offered to vote, refusing at the same time to take the oath of loyalty which the State imposed as the condition of the exercise of suffrage, and, having been refused, brought an action to establish his right. In *Blair v. Ridgely*, 41 Mo. 63, the question was very elaborately examined, with results adverse to his claim, chiefly for the reason that the right to vote is not a property right. But at page 172, Judge Wagner, pronouncing the opinion of the Court, says:—

There are certain rights which inhere in and attach to the person, and of which he cannot be deprived except by forfeiture for crimes whereof he must be first tried and convicted according to due process of law. These are termed natural or absolute rights. Blackstone says: "By the absolute rights of individuals, we mean those which are so in their primary and strictest sense; which would belong to their persons merely in a state of nature, and which every man is entitled to enjoy whether out of society or in it." These rights may be arranged under the following heads: (1) the right of personal security; (2) the right of personal liberty; and (3) the right to acquire and enjoy property. To these the distinguished commentator on American law has

added a fourth head, which found no place under the English system; namely, the free exercise and enjoyment of religious profession and worship.

The distinguishing difference between the protective effect of the clauses forbidding attainders and *ex post facto* laws, sustained in the Cummings, Garland, and Pierce cases, and the Fourteenth Amendment is, that the former relate wholly to methods, and do not, at least directly, affect principles; while the latter is a solemn declaration of the most sacred rights.

As we have already seen, the attack our fathers made upon these offensive processes and methods of procedure was so effectually sustained by the Supreme Court that when, in the Pierce case, six years after the decisions in the Cummings and Garland cases had been made, the questions were re-examined, the judges who had originally dissented were acquiescent or silent, and the only note of dissent was heard from Justice Bradley, who had become a member of the Court in the interval.

We may, therefore, take it for granted that the decisions of the Cummings and Garland cases, with all they imply, have irreversibly passed into the fundamental law of the land, for the protection of the people against future invasions of the character in them denounced.

Let us next see how effectual the great declaration of rights contained in the Fourteenth Amendment has been found to be by the Supreme Court, as a measure of protection against invasions by the legislative power.

The first important cases in which the effect of this Amendment upon the right of property was considered were the Slaughter-house cases, decided at the December term, 1872, and reported in the sixteenth volume of Wallace's Reports, page 36. The Court divided in opinion, Mr. Justice Miller reporting the views of the majority, composed of Justices Clifford, Davis, Strong, and Hunt. Separate dissenting opinions were read by Justices Field, Bradley, and Swayne, with whom concurred Chief Justice Chase.

In this case, an act of the legislature of Louisiana was sustained, as against the inhibition of the Fourteenth Amendment, although it granted to a corporation (Syllabus, § 1)

the exclusive right for twenty-five years to have and maintain slaughter-houses, landings for cattle, and yards for enclosing cattle intended for sale or slaughter within . . . a territory which

... contained 1,154 square miles, including the city of New Orleans and a population of between two and three hundred thousand people, and prohibiting all other persons from building, keeping or having slaughter-houses, landings for cattle, and yards for cattle intended for sale or slaughter within those limits.

The majority opinion is founded upon the proposition that the creation of this monopoly was within the legitimate exercise of the police power of the State.

Mr. Justice Miller says, page 62 :—

The power here exercised by the legislature of Louisiana is, in its essential nature, one which has been, up to the present period in the constitutional history of this country, always conceded to belong to the States, however it may now be questioned in some of its details.

"Unwholesome trades, slaughter-houses, operations offensive to the senses, the deposit of powder, the application of steam power to propel cars, the building with combustible materials, and the burial of the dead, may all," says Chancellor Kent, "be interdicted by law, in the midst of dense masses of population, on the general and rational principle that every person ought so to use his property as not to injure his neighbors, and that private interests must be made subservient to the general interests of the community." This is called the police power; and it is declared by Chief Justice Shaw that it is much easier to perceive and realize the existence and sources of it than to mark boundaries or prescribe limits to its exercise.

This power is, and must be from its very nature, incapable of any very exact definition or limitation. Upon it depends the security of social order, the life and health of the citizen, the comfort of existence in a thickly populated community, the enjoyment of private and social life, and the beneficial use of property.

It thus appears that, upon the first important attempt to invoke the Fourteenth Amendment as a protection for the rights of individual property, it proved ineffectual. It could not stay the hand of the legislature from invading the private right of the individual freely to pursue the profession of a butcher in New Orleans as against monopoly; in other words, it could not prevent the transfer of this property right from the individual to the syndicate, ring, or trust, or by whatever other name it may be called, upon which the legislature had seen fit to confer the exclusive power of herding, handling, and slaughtering animals intended for sale or consumption in the municipality of New Orleans.

We shall presently see that this amendment has proved as ineffectual to protect the individual from the destruction of the right to use or dispose of his private property, as it was in this case against its transfer to others.

The cases of *Barbier v. Connolly*, 113 U. S. 31, and *Soon Hing v. Crowley*, 113 U. S. 703, were decided in 1885.

The question involved was whether municipal ordinances of San Francisco, prohibiting washing and ironing in public laundries and wash-houses within certain territorial limits on Sunday, and between ten o'clock at night and six o'clock of the succeeding morning of each secular day, were invasions of the rights secured by the Fourteenth Amendment.

The same learned justice (Field, J.) who reported the opinions in the *Cummings* and *Garland* cases, was again the mouth-piece of the Court, expressing its unanimous opinion sustaining the ordinances.

In the case of *Barbier v. Connolly*, he says at page 31:—

The Fourteenth Amendment, in declaring that no State shall deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws, undoubtedly intended not only that there should be no arbitrary deprivation of life or liberty, or arbitrary spoliation of property, but that equal protection and security should be given to all under like circumstances in the enjoyment of their personal and civil rights; that all persons should be equally entitled to pursue their happiness and acquire and enjoy property; that they should have like access to the courts of the country for the protection of their persons and property, the prevention and redress of wrongs, and the enforcement of contracts; that no impediment should be interposed to the pursuits of any one, except as applied to the same pursuits by others under like circumstances; that no greater burdens should be laid upon one than are laid upon others in the same calling and condition; and that in the administration of criminal justice no different or higher punishment should be imposed upon one than such as is prescribed to all for like offences.

But Mr. Justice Field adds, without citation of authority, the following definition or qualification:—

But neither the amendment—broad and comprehensive as it is—nor any other amendment was designed to interfere with the power of the State, sometimes termed its police power, to prescribe regulations to promote the health, peace, morals, educa-

tion, and good order of the people, and to legislate so as to increase the industries of the State, develop its resources, and add to its wealth and prosperity. From the very necessities of society, legislation of a special character, having these objects in view, must often be had in certain districts, such as for draining marshes and irrigating arid plains. Special burdens are often necessary for general benefits, for supplying water, preventing fires, lighting districts, cleaning streets, opening parks, and many other objects. Regulations for these purposes may press with more or less weight upon one than upon another, but they are designed, not to impose unequal or unnecessary restrictions upon any one, but to promote, with as little individual inconvenience as possible, the general good. Though in many respects necessarily special in their character, they do not furnish just ground of complaint if they operate alike upon all persons and property under the same circumstances and conditions. Class legislation, discriminating against some and favoring others, is prohibited; but legislation which, in carrying out a public purpose, is limited in its application, if within the sphere of its operation it affects alike all persons similarly situated, is not within the amendment.

The suggestion that Mr. Justice Field cited no authority is not intended to imply that he might not have found many precedents. The remark was made because the omission to refer to cases, coupled with the fact that the opinion of the Court was unanimous, emphasizes the clearness of vision with which the result was discerned; in other words, the absolute confidence which the learned justice and his associates felt in the conclusions announced.

Authorities sustaining the general proposition of the subordination of private property interests to the police power of the State were in fact very numerous. Among others, Chief Justice Shaw, of Massachusetts, had said in *Commonwealth v. Alger*, 7 Cush. 53, 85, that —

All property in this Commonwealth . . . is held subject to those general regulations which are necessary to the common good and general welfare. Rights of property, like all other social and conventional rights, are subject to such reasonable limitations in their enjoyment as shall prevent them from being injurious, and to such reasonable restraints and regulations established by law as the legislature, under the governing and controlling power vested in them by the Constitution, may think necessary and expedient.

This is very different from the right of eminent domain,—the right of a government to take and appropriate private property

whenever the public exigency requires it; which can be done only on condition of providing a reasonable compensation therefor. The power we allude to is rather the police power, the power vested in the legislature by the Constitution to make, ordain, and establish all manner of wholesome and reasonable laws, statutes, and ordinances, either with penalties or without, not repugnant to the Constitution, as they shall judge to be for the good and welfare of the Commonwealth, and of the subjects of the same.

It is much easier to perceive and realize the existence and sources of this power than to mark its boundaries or prescribe limits to its exercise.

Another passage from this opinion of Chief Justice Shaw was quoted by Mr. Justice Miller in his opinion in the Slaughter-house cases, at page 62 of 16 Wallace, as follows:—

It [the police power] extends to the protection of the lives, limbs, health, comfort, and quiet of all persons, and the protection of all property within the State, . . . and persons and property are subjected to all kinds of restraints and burdens in order to secure the general comfort, health, and prosperity of the State. Of the perfect right of the legislature, no question ever was, or, upon acknowledged general principles, ever can be made, so far as natural persons are concerned.

Among illustrations which might be given of the statutory application of the police power, one which emphasizes its extent as plainly, perhaps, as any other, are the acts requiring railroad companies to fence their tracks. It is established that, notwithstanding the creation of a railroad corporation, even in cases where this may amount to a contract without right to alter, amend, or repeal, the police power operates with the same vigor and force as upon natural persons. In a leading case of this kind, *Thorp v. Rutland & Burlington Railroad Co.*, 27 Vt. 140, Chief Justice Redfield, of Vermont, held thus (page 149):—

We think the power of the legislature to control existing railroads in this respect may be found in the general control over the police of the country, which resides in the law-making power in all free States, and which is, by the *fifth* article of the bill of rights of this State, expressly declared to reside perpetually and inalienably in the legislature; which is, perhaps, no more than the enunciation of a general principle applicable to all free States, and which cannot, therefore, be violated so as to deprive the legislature of the power, even by express grant to any mere public or private corporation.

In the case of the Ohio & Mississippi Railroad Co. *v.* McClelland, reported in 25 Ill. 140, it was contended by counsel that the requirement of law to fence the track of the railroad company was in conflict with the provisions of the Constitution of Illinois and of the United States, both of which prohibit the passage of any law impairing the obligation of a contract; the charter of the company not containing any reservation of the right to alter, amend, or repeal, and not having expressly reserved any police control over the company's execution of its authority. The Supreme Court of Illinois, without deciding whether an express grant of exclusive police control to the company would be valid, held that no exclusion of legislative control could be implied from a charter not containing such express grant. Judge Walker, pronouncing the opinion, adds (page 144) that—

The power to enact police regulations operates upon all alike. This is a fundamental principle, and lies at the foundation itself. It is yielded by each member when he enters society for the benefit of all. It is incident to and a part of government itself, and need not be expressly reserved, when it grants right or property to individuals or corporate bodies, as they take subservient to this right. Although individual rights may be said to be absolute, they are all subject to be controlled in their enjoyment for the general good.

He cites, by way of illustration, statutes requiring individuals to fence land, forbidding the sale of obscene books, prohibiting the exercise of unhealthy trades, quarantine regulations, laws forbidding stock to run at large when afflicted with contagious diseases, and statutes "requiring the fencing of saltpetre caves and growing castor beans," and adds:—

The law has imposed all of these and many other duties and prohibitions upon individuals for the protection of citizens, their morals and property; and, notwithstanding it may appear in some degree to abridge individuals of a portion of their rights, yet we are not aware that their constitutionality has ever been challenged. Their eminent justice and propriety has commended them to the community at large as highly proper. The exercise of this power may be referred to the maxim *salus populi suprema est lex*.

In Indianapolis & Cincinnati Railroad Co. *v.* Kercheval, 16 Ind. 84, it was held that a clause in a charter of a railroad company, which declared that the corporators should be seized in fee simple of the land occupied by their right of way, and should

have the sole use and occupation of the same, and that no person, body politic or corporate, should interfere therewith, molest, disturb, or injure any of the rights or privileges thereby granted, did not withdraw from the State the power to establish police regulations imposing liability for cattle killed by cars.

These decisions were followed in *Missouri Pacific Railway Co. v. Humes*, 115 U. S. 512, where a statute of Missouri, requiring all railroad corporations to erect and maintain fences and cattle guards, was sustained as not in violation of the Fourteenth Amendment, although it imposed double liability for damages resulting from its violation. A later decision to the same effect upon an Iowa statute is *Minneapolis & St. Louis Railway Co. v. Beckwith*, 129 U. S. 26. In both these cases, the Court was unanimous. The opinions were by Mr. Justice Field.

The Fifth Article of the First Chapter of the Vermont Constitution, referred to by Judge Redfield in the passage quoted, is in these words:—

That the people of this State, by their legal representatives, have the sole, inherent, and exclusive right of governing and regulating the internal police of the same.

Notwithstanding the expression made use of by Judge Redfield, *Thorpe v. Rutland Burlington Railroad Co.* (*supra*), that this

is perhaps no more than the enunciation of a general principle applicable to all free States, and which cannot therefore be violated so as to deprive the legislature of the power, even by express grant to any mere public or private corporation,

there seems to be a general consensus of opinion that the police power is not, as to all subjects and under all circumstances, so sacred but that exemption from its control may be to some extent and as to some subjects granted in the charter of an organized corporation, so as to be within the provision of the Constitution of the United States forbidding the impairment of contracts.

The exact line of distinction, in the classification of cases, between those over which the State cannot abandon its right of plenary control and those in which the legislative function may be abdicated in favor of corporations or individuals by contract, is



not clearly or fully established. This much is certain, as shown by the opinion of Chief Justice Waite, reporting the unanimous decision of the Supreme Court of the United States, in *Stone v. Mississippi*, 101 U. S. 814, 819, that

No legislature can bargain away the public health or the public morals. The people themselves cannot do it, much less their servants. The supervision of both these subjects of governmental power is continuing in its nature, and they are to be dealt with as the special exigencies of the moment may require. Government is organized with a view to their preservation, and cannot divest itself of the power to provide for them. For this purpose, the largest legislative discretion is allowed, and the discretion cannot be parted with any more than the power itself.

To the same effect may be cited the cases of *Beer Company v. Massachusetts*, 97 U. S. 625, in which it was held that the charter of a corporation authorized to engage in the manufacture of malt liquors did not constitute a contract against subsequent legislation prohibiting the same, and *Fertilizing Company v. Hyde Park*, 97 U. S. 659, in which an incorporated fertilizing company, authorized to establish and maintain in Cook County, Illinois, chemical and other works for converting animal matter into agricultural, fertilizing, and other chemical products, owning a factory which was described as constituting an unendurable nuisance, creating an intolerable stench, producing nausea and discomfort, if not sickness, depreciating the value of property, and being a source of immense annoyance, was held to be rightfully suppressed by law.

In *Butchers' Union Company v. Crescent City Company*, 111 U. S. 746, the Supreme Court, again dividing five to four upon the merits of the question involved in the Slaughter-house cases, agreed, however (*Syllabus*), that,—

The power of a State legislature to make a contract of such a character that, under the provisions of the Constitution, it cannot be modified or abrogated, does not extend to subjects affecting public health or public morals, so as to limit the future exercise of legislative power on those subjects to the prejudice of the general welfare.

These opinions were all collated and reaffirmed in *New Orleans Gas Company v. Louisiana Light Company*, 115 U. S. 650, in which it was held, following the decision in the Slaughter-house

cases, and distinguishing it from those last quoted, that the exclusive right to supply gas to a municipality may be so granted by the legislature as to constitute a contract protected by the Constitution of the United States against subsequent legislation to impair it. In this case, the Court avoided the application of the decisions I have just referred to by holding that the contract was not (p. 671) "in any legal sense to the prejudice of the public health or public safety."

The subject was again pressed upon the attention of the Supreme Court, in the case of *Mugler v. Kansas*, decided at the October term, 1887, 123 U. S. 623. This case grew out of an amendment to the Constitution of the State of Kansas, adopted by the people of that State, November 2, 1880, in these words (Art. 15, Sec. 10):—

The manufacture and sale of intoxicating liquors shall be forever prohibited in this State, except for medical, scientific, and mechanical purposes.

*Mugler* was the owner of a brewery in Saline County, Kansas. He had been a resident of Kansas since 1872. In that year, he declared his intention of becoming a citizen of the United States. In 1877, he built a brewery, and in June, 1881, perfected his purpose to become a citizen by full naturalization. In November, 1881, he was indicted for offences against the statute passed for the purpose of carrying out the constitutional amendment. His counsel and those of Ziebold, against whom an information had been filed praying that a brewery owned by him should be abated as a common nuisance, relied on the Fourteenth Amendment to the Federal Constitution, and the rights of property thereby secured, and claimed that it was not competent for the State of Kansas, under whose constitution and laws property had been acquired whose only value depended on its use,—use lawful at the time of its acquisition,—to forbid such use and thus destroy the value of the property so acquired. But the Supreme Court held with practical unanimity—for the dissent by Mr. Justice Field only related to the proposition, not decided by the majority, that the State could not prohibit the manufacture and sale of liquors for exportation—that this legislation (syllabus)

does not necessarily infringe any right, privilege, or immunity secured by the Constitution of the United States or by the amendments thereto.

I quote from the syllabus of the case a further statement of the principles promulgated in the opinion of the Court, reported by Mr. Justice Harlan :—

The prohibition by the State of Kansas, in its constitution and laws, of the manufacture or sale within the limits of the State of intoxicating liquors for general use there as a beverage, is fairly adapted to the end of protecting the community against the evils which result from excessive use of ardent spirits, and is not subject to the objection that, under the guise of police regulations, the State is aiming to deprive the citizen of his constitutional rights.

Lawful State legislation in the exercise of the police powers of the State, to prohibit the manufacture and sale within the State of spirituous, malt, vinous, fermented, or other intoxicating liquors, to be used as a beverage, may be enforced against persons who at the time happen to own property whose chief value consists in its fitness for such manufacturing purposes, without compensating them for the diminution in its value resulting from such prohibitory enactments.

A prohibition upon the use of property for purposes that are declared by valid legislation to be injurious to the health, morals, or safety of the community, is not an appropriation of property for the public benefit, in the sense in which a taking of property by the exercise of the State's power of eminent domain is such a taking or appropriation.

The destruction, in the exercise of the police power of the State, of property used in violation of law in maintaining a public nuisance, is not a taking of property for public use, and does not deprive the owner of it without due process of law.

*Mugler v. Kansas* was repeated and reaffirmed in *Kidd v. Pierson*, decided October 22, 1888, 128 U. S. 1. In this case, Justice Lamar, reporting the opinion of the whole court (except Chief Justice Fuller, who did not take part in the decision, not having been a member of the court when the cause was argued), uses this language, which the reporter has incorporated into the syllabus :—

The police power of a State is as broad and plenary as the taxing power; and property within the State is subject to the operation of the former so long as it is within the regulating restrictions of the latter.

The exact point required, to be decided by the facts of the case of *Kidd v. Pierce*, as incorporated into the Syllabus, was that—

The right of a State to enact a statute prohibiting the manufacture of intoxicating liquors within its limits is not affected by the fact that the manufacturer of such spirits intends to export them when manufactured.

At the same term, October, 1887, the question came before the court in a different form. The legislature of Pennsylvania had, for reasons which seemed to them sufficient, by act of May 21, 1885, absolutely prohibited the manufacture of butter or cheese within the State of Pennsylvania out of oleaginous substances, or out of any compound thereof other than that produced from unadulterated milk, or cream from unadulterated milk, and also prohibited the sale or offer of the same for sale, or the holding of the same in possession with intent to sell the same as an article of food. The object of this legislation was not to protect the public health, but, on the contrary, to furnish a practical bounty in the nature of monopoly to the manufacturers of butter from milk and cream. It cannot be successfully asserted that the article called oleomargarine, when properly made, is either unhealthy or its manufacture or sale in any wise detrimental to the public welfare, other than as it may affect the pecuniary interests of makers of butter. I state this as a matter of fact known to everybody. There are large portions of the United States in which, at the present time, the use of oleomargarine would be a blessing, especially to the travelling community. In the contest between sweet oleomargarine and rancid butter, the sympathy of every man and woman who has a palate must be with the former. Nevertheless, it was held by the Supreme Court of the United States that this prohibition was "a lawful exercise by the State of the power to protect by police regulations the public health."

There was a single dissent,—that of Mr. Justice Field,—the majority opinion being reported by Mr. Justice Harlan. At page 685 of 127 U. S. (Powell v. Pennsylvania), Judge Harlan says:—

Whether the manufacture of oleomargarine, or imitation butter, of the kind described in the statute, is or may be conducted in such a way, or with such skill and secrecy, as to baffle ordinary inspection, or whether it involves such danger to the public health as to require, for the protection of the people, the entire suppression of the business, rather than its regulation in such manner as to permit the manufacture and sale of articles of that class that do not contain noxious ingredients, are questions of fact and of public policy which belong to the legislative department to determine. And as it does not appear upon the face of the statute, or from any facts of which the court must take judicial cognizance, that it infringes rights secured by the fundamental law, the legislative determination of those questions is conclusive upon the courts. It is not a part of their functions to conduct investigations of facts

entering into questions of public policy merely, and to sustain or frustrate the legislative will, embodied in statutes, as they may happen to approve or disapprove its determination of such questions. The power which the legislature has to promote the general welfare is very great, and the discretion which that department of the government has, in the employment of means to that end, is very large. While both its power and its discretion must be so exercised as not to impair the fundamental rights of life, liberty, and property; and while, according to the principles upon which our institutions rest, "the very idea that one man may be compelled to hold his life, or the means of living, or any material right essential to the enjoyment of life, at the mere will of another, seems to be intolerable in any country where freedom prevails, as being the essence of slavery itself," yet, "in many cases of mere administration, the responsibility is purely political, no appeal lying except to the ultimate tribunal of the public judgment, exercised in the pressure of public opinion or by means of the suffrage." (*Yick Wo. v. Hopkins*, 118 U. S. 370.) The case before us belongs to the latter class. The legislature of Pennsylvania, upon the fullest investigation, as we must conclusively presume, and upon reasonable grounds, as must be assumed from the record, has determined that the prohibition of the sale, or offering for sale, or having in possession to sell, for purposes of food, of any article manufactured out of oleaginous substances or compounds other than those produced from unadulterated milk, to take the place of butter produced from unadulterated milk or cream from unadulterated milk, will promote the public health, and prevent frauds in the sale of such articles. If all that can be said of this legislation is that it is unwise, or unnecessarily oppressive to those manufacturing or selling wholesome oleomargarine as an article of food, their appeal must be to the legislature or to the ballot-box, not to the judiciary. The latter cannot interfere without usurping powers committed to another department of government.

It is argued, in behalf of the defendant, that if the statute in question is sustained as a valid exercise of legislative power, then nothing stands in the way of the destruction by the legislative department of the constitutional guarantees of liberty and property. But the possibility of the abuse of legislative power does not disprove its existence. That possibility exists even in reference to powers that are conceded to exist. Besides, the judiciary department is bound not to give effect to statutory enactments that are plainly forbidden by the constitution. This duty, the court has said, is always one of extreme delicacy; for, apart from the necessity of avoiding conflicts between co-ordinate branches of the government, whether State or national, it is often difficult to determine whether such enactments are within the powers granted to or possessed by the legislature. Nevertheless, if the incompatibility of the constitution and the statute is clear or palpable, the courts

must give effect to the former. And such would be the duty of the court if the State legislature, under the pretence of guarding the public health, the public morals, or the public safety, should invade the rights of life, liberty, or property, or other rights secured by the supreme law of the land.

I have made this long extract from Mr. Justice Harlan's opinion, first, because it seems to me necessary in order to do full justice to the court, and secondly, because the case itself is, in many respects, of the very highest importance in its bearing upon the subject now under consideration. It will be observed that the State of Pennsylvania, by the legislation which was thus sustained, did not attempt to distinguish between noxious and innocuous, pure and impure oleomargarine, nor was there legislation for the purpose of preventing the fraudulent sale of oleomargarine as disguised butter. The first section absolutely forbids the manufacture and sale, or possession with intent to sell, of oleomargarine in any form. And this even when such sale is made to one who has full knowledge of the character of the article bought. The second section renders such sale unlawful and void, and forbids an action in any court of Pennsylvania upon any contract founded on it; and the third section punishes every person, partnership, or corporation who shall manufacture, sell, or offer or expose for sale, or have in possession with intent to sell any one of the substances the manufacture and sale of which is forbidden by the first section of this act,—that is to say, any oleomargarine, or any article designed to take the place of butter or cheese, unless made out of pure unadulterated milk or cream,—by forfeiting, for each offence, the sum of \$100, recoverable, with costs, by any informer, one-half for his own benefit, the other half payable to the proper county treasurer for the use of the county in which suit is brought. The fourth section defines any violation of the act to be a misdemeanor, punishable upon conviction by a fine of not less than \$100 or more than \$300, or by imprisonment in the county jail for not less than ten or more than thirty days, or both fine and imprisonment for the first offence, and imprisonment for one year for every subsequent offence.

In view of this stringent statute, the Supreme Court of the United States has seen fit to say—indeed, those of us who prefer oleomargarine to bad butter believe that they could not have decided the case as they did except by saying—that, as the statute, on its face or from any facts of which the court must take judicial

cognizance without proof, does not appear to infringe rights secured by the fundamental law, "the legislative determination of those questions is conclusive upon the courts."

In other words, it has been established by the Supreme Court of the United States, in the case of *Powell v. Pennsylvania*, that where the legislative department is sufficiently successful in disguising the fact that the real object and purpose of the law are to infringe the Constitutional guarantees of the rights of life, liberty, and property, two of which at least were in fact infringed by this legislation, the courts have adopted a self-denying ordinance requiring them to follow the example of the Goddess of Justice, and blindfold their eyes to the actual invasion of the Constitution, alleging that it is for the legislative department only to ascertain and determine the question whether the forbidden act or the use of the prohibited property may be restrained by the exercise of the police power. In other words, by the decision in the case of *Powell v. Pennsylvania*, it is judicially declared that, in effect at least, it is the law of the land that the legislature alone may determine the extent of the permissible exercise of its police powers; that courts cannot restrict its exercise except where it affirmatively appears on the face of the statute, or by those few facts of which courts take judicial cognizance without proof, that a legislative step has been taken beyond the prescribed bounds. Of what use or service, in view of the ease with which the real purposes of legislation may be disguised, the Constitutional guarantee of the right of liberty and property will be in the future, remains to be seen when the future shall develop results. Everything will finally depend, of course, upon the wisdom of the people and of their representatives. Doubtless "the sober second thought" of the people is always right. Such is the philosophy of our government; but the non-sober, the excited first thoughts, even of representatives-elect to legislatures, are not necessarily always right. For this very reason, that only "the sober second thought" of the people, and not necessarily their first impulse is right, we Americans have uniformly divided our legislative bodies so as to require separate considerations of proposed measures, by different legislative chambers, and, in many States, have granted the veto power to governors, thus confiding to a single representative of the whole people the power to require further consideration of a proposed law, instead of leaving it to the exclusive and possibly hasty action of a single body of members, elected upon territorial, local, or geo-

graphical considerations. But, above all, it is because the first impulse of the popular will is not always to be relied on as wise or safe, that Constitutional inhibitions and guarantees have been provided. What beneficial use these may subserve in the future, after this abnegation, by the highest judicial power, of its right to look beyond the face of statutes passed by the legislatures, remains to be seen. The White House was occupied and the presidential office filled for four years by the judgment of a political tribunal (four seats in which were filled by judges of the Supreme Court), on the theory of the conclusiveness of action taken by *de facto* electors. Now, a further step has been taken, and the Constitutional guarantees against legislative misuse of the police power are left, by the action of the Supreme Court, to the mercy not of the *de facto* doctrine, that whatever is must be accepted, but rather that whatever seems is right.

This exaggeration of the police power, and withdrawal of judicial protection from those who have been wronged by its misuse, is the upper of two millstones which are crushing the rights of property into powder. Let us now turn our attention to the other of these, between which and the upper there is but little space, in my opinion, for the beneficial survival of very much of the Constitutional guarantee of liberty or property.

That the essence of the right of property is in its use, and in the power of alienation for use by others, is obvious. Without these, the right is illusory and valueless. Chief Justice Marshall long since taught us that to tax the sale of property is to tax the property itself (*Brown v. Maryland*, 12 Wheaton, 419). The same proposition was repeated in *Welton v. Missouri*, 91 U. S. 275, Mr. Justice Field reporting the opinion of the unanimous court.

Upon this point, the case of *Wynehamer v. People*, 13 N. Y. 378, is instructive. Judge Comstock, pronouncing the opinion of the Court of Appeals of New York (Judges T. A. Johnson, Mitchell, and Wright dissenting) says, at page 396:—

Nor can I find any definition of property which does not include the power of disposition and sale, as well as the right of private use and enjoyment.

After citing from Blackstone, Kent, and Bouvier's "Law Dictionary" definitions of property, which include the power of disposition, transfer, and alienation as a necessary incident to the right, Judge Comstock adds:—



These definitions are in accordance with the general sense of mankind. Indeed, if any one can define property eliminated of its attributes, incapable of sale, and placed without the protection of the law, it were well that the attempt should be made.

Of what value, however, is the right to sell, unless coupled with control of the price? or the right to lease or let to use, without the power to fix the rent? If the sovereign has usurped the control of prices of chattels or realty or of the use of land, then the sovereign power, in effect at least, to some extent does the selling or the letting to hire. In such case, to the extent of such control of prices, the property has passed out of the dominion of the individual, and into that of the sovereign. The value of the interests of the individual exists at the sovereign's will; and, if this were the established law of the land in relation to all or most sales and leases, Proudhon would have achieved a practical victory, and a long step have been taken towards putting in practice the theories of Ferdinand Lassalle and Karl Marx.

The case of *Munn v. Illinois*, 94 U. S. 113, was decided in 1876 by a divided court, Justices Field and Strong dissenting. The opinion of the majority, composed of the Chief Justice, Justices Clifford, Miller, Bradley, Swayne, Davis, and Hunt, was reported by Chief Justice Waite. I quote from the Syllabus prepared by the reporter, and, it is supposed, approved by the court, as follows:—

1. Under the powers inherent in every sovereignty, a government may regulate the conduct of its citizens towards each other, and, when necessary for the public good, the manner in which each shall use its own property.

2. It has, in the exercise of these powers, been customary in England from time immemorial, and in this country from its first colonization, to regulate ferries, common carriers, hackmen, bakers, millers, wharfingers, innkeepers, &c., and, in so doing, to fix a maximum of charge to be made for services rendered, accommodations furnished and articles sold.

The "&c." which follows the word "innkeepers" does not appear in the opinion of the Chief Justice. It is the reporter's expression, but it is properly employed to indicate that the court did not intend to limit the application of the principle to the enumerated avocations, but would extend it to all other traffics in like case. It is a symbol of indeterminate meaning, but of great significance, and requires us to look closely to the principles stated

by the court, which are to determine what avocations, other than those thus enumerated, are exercised subject to legislative control, on the theory of inherent sovereign power or of English and American custom, notwithstanding the specific restrictions contained in the Fifth and Fourteenth Amendments and in the Constitution of Illinois and probably that of every other State,—limitations which seem to have been designed to prevent the exercise of any inherent sovereign power by the Federal Government in any case, and of any inherent power in any State which should contravene or negative the Fourteenth Amendment, or any clause of the State Constitution. For it will be remembered that *Munn v. Illinois* was decided eight years after the adoption of the Fourteenth Amendment, and that the Constitution of Illinois, under which the legislation of that State had undertaken to fix the price of elevating grain, which was challenged but sustained in this case, contained the following provisions:—

Article 2, § 1. All men are by nature free and independent, and have certain inherent and inalienable rights. Among these are life, liberty, and the pursuit of happiness. To secure these rights and the protection of property, governments are instituted among men, deriving their just powers from the consent of the governed.

§ 2. No person shall be deprived of life, liberty, or property without due process of law.

Similar provisions are to be found in all the State Constitutions. As specimens of their varying forms, I quote from the Constitutions of New York and Ohio.

The former is in the following words:—

Article 1, § 6. No person shall . . . be deprived of life, liberty, or property without due process of law; nor shall private property be taken for public use without just compensation.

In Ohio, the provisions of the existing State Constitution upon the subject are as follows:—

Article 1, § 1. All men are by nature free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing, and protecting property, and seeking and obtaining happiness and safety.

§ 19. Private property shall ever be held inviolate, but subservient to the public welfare. When taken in time of war or

other public exigency imperatively requiring its immediate seizure, or for the purpose of making or repairing roads which shall be open to the public without charge, a compensation shall be made to the owner in money; and in all other cases, where private property shall be taken for public use, a compensation therefor shall first be made in money, or first secured by a deposit of money; and such compensation shall be assessed by a jury, without deduction for benefits to any property of the owner.

A Constitutional provision more important in this connection is that of Pennsylvania, for the reason that it was under this that the legislation sustained in *Powell v. Pennsylvania* was adopted and upheld. The first article of the Constitution of Pennsylvania of 1874 is entitled "Declaration of Rights," and the first section is in these words:—

All men are born equally free and independent, and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing, and protecting property and reputation, and of pursuing their own happiness.

In respect to this section, Pennsylvania follows in the line of other States, but § 26 of the same article is peculiar and very important. It is in these words:—

To guard against transgressions of the high powers which we have delegated, we declare that everything in this article is excepted out of the general powers of government, and shall forever remain inviolate.

How the Constitution of Pennsylvania could have provided in more explicit terms that the delegation of police power embraced in the general grant of all legislative power should not enable the legislature to interfere with the right of acquiring, possessing, and protecting property, is not easy to imagine.

In all the Constitutions, the protection of life, liberty, and property is provided for by Bills of Rights; thus implying at least that these are fundamental rights, subject to which all delegated power is to be exercised. But in Pennsylvania, as if by anticipation to protect against the very wrong done in the case of *Powell v. Pennsylvania*, in prohibiting the continued beneficial use of useful property already in harmless existence under the sanction of law, this 26th clause expressly subordinates all the rest of the Con

stitution to the first article, "Declaration of Rights," of which the first section secures the free right of acquiring, possessing, and protecting property.

Returning to the case of *Munn v. Illinois*, we find that the principles or rules upon which we are to determine what avocations are within legislative control are stated in the fourth paragraph of the Syllabus of the case in these words :—

When the owner of property devotes it to a use in which the public has an interest, he in effect grants to the public an interest in such use, and must, to the extent of that interest, submit to be controlled by the public for the common good, as long as he maintains the use. He may withdraw his grant by discontinuing the use.

The avocations named by the court are those of the ferryman, carrier, hackman, baker, miller, wharfinger, and innkeeper. Each one of these holds himself out to deal with all who seek his service, for compensation. Each of these, in relation to the property he owns and uses in his trade, is said by the court to have devoted it to a use in which the public has an interest ; but therefore, in effect, he has granted to the public an interest in such use. Therefore, the avocation of elevating grain, being within the reason of the rule, was, by the decision of the court, subjected to the rule. This, not on the principle that the elevator was owned by an incorporated company, and that the legislature had the right to compel it to elect either to accept an amendment of the charter, — under the power reserved in the Constitution of Illinois to alter, amend or repeal,— or to go out of business as such corporation, or to surrender the charter and take the chances of continuing business as an individual. On the contrary, the rule of the court applied to individuals, and was not founded on any theory of assent evidenced by accepting articles of incorporation. But the owner of a grain elevator no more holds himself out to the public as their servant than the owner of every shop or store, than every broker, commission merchant, or other person pursuing what is commonly called private trade. *Munn* was not, like a common carrier or innkeeper, bound by law to serve any decent person applying to him. The decision of his case did not in any degree rest upon such supposed legal obligation. A baker offers his bread for sale to those who come for the purpose of buying. He is not liable to an action for refusing to sell. *A. T. Stewart & Co.* offered their

goods for sale to every proposing purchaser, but with the same reserved right to refuse to sell. Nor do the Supreme Court limit their opinion upon the case of bakers to those who bake the flour of others only. The application, therefore, of this rule to elevators requires its extension to all commercial persons, or persons engaged in commerce of any kind, and to all mechanics and manufacturers. Each one of these as fully devotes his time, his labor, and his property to a use in which the public has an interest as does a baker or the owner of the grain elevator. So, too, do all barbers, livery stable keepers, boarding and lodging house managers, saloons and restaurants, draymen and carters, and multitudes of others. The owner of a cotton press cannot be successfully asserted to be beyond the rule applied to proprietors of grain elevators, nor can midwives, apothecaries, or undertakers. Judge Field, in the dissenting opinion, calls attention (p. 141) to the necessary application of the majority doctrine to owners of tenements, manufacturers of cotton, woollen, and silk fabrics, of machinery, and of all kinds of utensils, and to printers and publishers.

It will be admitted that telegraphs and telephones are within the rule, unless protected by the sanctity of patent rights; but this protection has been denied by the Supreme Court of Indiana.\*

These Indiana opinions, denying that letters patent secure to the inventor the exclusive control of the price at which the patented article may be sold or leased, are supposed to be supported by the opinion of the Supreme Court of the United States in the case of *Patterson v. Kentucky*, 97 U. S. 501, in which the opinion of the court, reported by Mr. Justice Harlan (Mr. Justice Hunt not sitting), holds that (Syllabus) —

Where, by the application of the invention or discovery for which letters patent have been granted by the United States, tangible property comes into existence, its use is, to the same extent as that of any other species of property, subject, within the several States, to the control which they may respectively impose in the legitimate exercise of their powers over their purely domestic affairs, whether of internal commerce or of police.

For this reason, it was held that a statute of Kentucky prohibiting the sale of oils condemned by the State Inspector as "unsafe for illuminating purposes" interfered with no lawful right con-

\* *Hockett v. State*, 105 Ind. 250; *Central Union Telephone Co. v. Bradbury*, 106 Ind. 1; *Johnson v. State*, 113 Ind. 143; *Central Union Telephone Co. v. State*, 118 Ind. 194, 598.

ferred by letters patent issued to an inventor of "an improved burning oil."

In Judge Harlan's opinion in this case, he cites as "an instructive case upon the precise point under consideration," *Jordan v. Overseers*, 4 Ohio, 295, decided in 1830, in which it was held that Jordan could not successfully resist an action for penalties for practising medicine in violation of an Ohio statute regulating the practice of physic and surgery, on the ground that the only medicine administered by him was secured by letters patent of the United States.

The provision of the Constitution of the United States under which patents and copyrights are issued is in the following words:

The Congress shall have power . . . to promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.

Section 4884 of the Revised Statutes of the United States provides that

every patent shall contain . . . a grant to the patentee, his heirs or assigns, for the term of seventeen years, of the exclusive right to make, use, and vend the invention or discovery throughout the United States and the Territories thereof.

As might have been expected, the Supreme Court of Indiana rely greatly upon the decision in the case of *Munn v. Illinois*. They, very properly, call it a "leading" case (105 Ind. 258). In view of their conclusion that the legislature has the right to establish rental prices for the use of telephones, it becomes a matter of pertinent inquiry what our fathers meant when they used the words "exclusive right" in the Constitution and laws of the United States. As the case stands to-day, if the Indiana rule be accepted and followed, this word "exclusive" must receive a new definition in the standard dictionaries, thus: "*Exclusive*: in common with the 'public'; or, subject to the control of the legislature." Or it may be that the Constitution and laws should be construed as if it read thus: "the exclusive right to read their own writings and use their own discoveries, and to vend them at prices fixed by others." To sustain this extension of the meaning of the word "exclusive," the dictionaries of the future will be at liberty to refer to the authority of the learned judges of the Su-

preme Court of Indiana. John Robinson told the Pilgrim Fathers, in Holland, that a great deal of light would yet break forth from the Bible; and it would seem as if the same remark might safely be made with regard to the Constitution of the United States.

An anecdote is related of Samuel J. Tilden, that, being asked whether a certain aspiring politician was friendly to him, he answered after a moment's hesitation, "Partially friendly." On this principle it may perhaps be said that the word "exclusive" means "partially exclusive."

It must be confessed that this would be imputing a *bouffe* purpose to the authors of the Constitution and laws of the United States, somewhat after the fashion of the "hardly ever," immortalized in "Pinafore." But what can fairly be said of the attempt to reduce the illimitable word "exclusive" to a limited meaning such as is attributed to it by the Supreme Court of Indiana, other than that, if successful, patents and copyrights will, in time to come, "hardly ever" be held to be really "exclusive"?

Lawyers pursuing occupations created by law certainly are within the doctrine of *Munn v. Illinois*. Clergymen and physicians, those who attempt to save souls and those who charge themselves with the cure of bodies, are surely engaged in professions devoted to a use in which the public has a profound interest, although the legislative regulation of the modest stipends paid to clergymen may be unwarranted as being an interference with the free exercise of religion secured by every State and the Federal Constitution.

The word "public," as used in the case of *Munn v. Illinois*, is not intended to be distinguished from the mass of individuals. Millers do not grind, nor elevators lift and store for the State, but for customers; bakers do not bake for the corporate community, but for some of the individuals of which it is composed. So with the whole list of avocations referred to by the court.

On the principle established in *Munn v. Illinois*, it will be difficult to deny to the legislature plenary power to control the price of all chattels offered for sale, and all labor and services, the master of which holds it out to be employed for the benefit of others.

But a larger question remains. If, because the omnipotent Parliament of England and the customs of the American people have for years controlled the prices at which ferrymen, common carriers, and the other persons named in the opinion of the Supreme Court in the *Munn* case, may deal, it follows that the State legislatures, exercising the limited powers conferred on them, and in

the face of these Constitutional restrictions expressed in the high form of bills, not of privileges, but of rights, because the avocations named and their congeners are serving the "public," may exercise like control, why does it not follow that the property, labor, and services of the "public" are themselves devoted to public use and liable to be controlled by the legislature?

If the grain which the farmer has raised must be ground by the miller and baked by the baker, at prices fixed by acts of the legislature; if the carrier who transports it must keep within the limit of rates determined by law; if this is because the miller, the baker, and the carrier work for the public, why are not the public whom they serve—namely, the owners of the grain ground, of the flour baked, and of the property transported—themselves within like legislative control? And is not all or most of this property of the public thus ground, baked, or transported for public use? How can those who serve the public be liable to legislative interference because servants, while the masters, the public itself, are free? Are not all men constantly performing both functions, acting as masters and servants, in reference to all property and labor? Upon the principle adopted by the Supreme Court in the case of *Munn v. Illinois*, can it be successfully denied that every use of property which is beneficial to others than the owner is in this sense public? On this principle, what is there to distinguish the private ownership of such property from the interests of the public in the same, except that the former is what may remain after deducting the latter? The interest of the public is founded on the fact, according to the decision, that property is devoted to a use in which the public has an interest. Of course, wherever it can be shown that the property is not devoted to such use, it falls outside the reasons given; but the moment the owner of any property offers it for sale does he not, by this very offer, himself voluntarily distinguish it from private, and add it to the mass of "public" property? If, because the miller offers to grind for all who may accept his offer within the limits of the capacity of his mill, or the baker to bake for all who may see fit to employ him, his avocation is liable to legislative control, why should not the farmer, who offers to sell to any or all who may approach him for that purpose, be liable to like control?

Every lawyer knows that the decision of cases depends largely upon the atmosphere which surrounds the court, upon the education of the judges, their insensible leaning and bias, the facts of their



lives (circumstances consistent with the highest integrity), often quite as much as upon the logical method or cogent persuasion of the advocate. And given, at some future day, legislatures and courts persuaded that Proudhon, Marx and Lassalle, and Henry George, not to say Most, Spies, and Parsons, were prophets, and not either deceived or deceivers, what ground is there to suppose, under the principles laid down for guidance in the case of *Munn v. Illinois*, that any property will be found so essentially private in its character as to be free from public control, except that which a man applies to his own use and possibly to that of his wife and family?

*Munn v. Illinois*, *Mugler v. Kansas*, and *Powell v. Pennsylvania*, were decided upon writs of error to the Supreme Courts of the States of Illinois, Kansas and Pennsylvania respectively, so that to the authority of the Supreme Court of the United States must be added that of the highest courts in the States where the cases originated.

*Munn v. People* is reported in 69 Illinois, 80. The opinion was by Chief Justice Breese, with dissents by Judges McAllister and Scott.

In *State v. Mugler*, 29 Kansas, 252, the opinion of the Supreme Court of Kansas was unanimous.

*Powell v. Commonwealth* is reported in 114 Pennsylvania State, 265. There is a strong dissent by Judge Gordon on the ground of the unconstitutionality of the statute.

It is unnecessary, and yet perhaps well, to add that no criticism is intended of the decision of the Supreme Court of the United States in these cases, because of any supposed conflict between the results and the provisions of the State Constitutions. No lawyer need be told that the Supreme Court of the United States cannot reverse the judgment of the highest court in a State because of its supposed conflict with the State Constitution. Of such conflict, the State Supreme Court is the sole and final judge. Criticism, if any, of the decisions of the Supreme Court of the United States, must relate only to the effect of the Fourteenth Amendment to the Constitution of the United States upon the facts of these cases. But I cannot avoid expressing surprise at the results reached by the State courts in these cases, in view of the explicit provisions of the State Constitutions for the protection of lawfully acquired property; and this surprise is emphasized when the explicit provisions of the Pennsylvania Constitution are read, and especially the mandate that the Declaration of Rights,

including its clause protective of the right of property, shall be held superior to the grant of legislative power, under which alone the police authority of the State is exercised.

A case much like *Powell v. Pennsylvania* was decided in Missouri in 1882; namely, *State v. Addington*, in which the constitutionality of an act of the legislature of Missouri, prohibiting the manufacture and sale of oleomargarine, was first upheld in the St. Louis Court of Appeals, 12 Missouri Appeals, 214. The court were unanimous; the opinion was pronounced by that learned legal scholar Judge Seymour D. Thompson. This opinion was affirmed by the Supreme Court, Chief Justice Hough dissenting, 77 Missouri, 110.

In *Commonwealth v. Bearse*, 132 Massachusetts, 542, 549, Judge Devens, speaking of the police power, says:—

The legislature is largely the judge of its own powers with reference to these matters. If it can be seen indeed that the rights of property are invaded under the pretence of a police regulation, it will be our duty to interfere to protect them.

The trouble with this statement is that none are so blind as those who refuse to see, and that the Supreme Court of the United States have laid down the rule of vision in such terms as to prevent or at least obscure vision, except of those things which, on the face of the act, are manifest without the use of legal spectacles of any kind.

When we consider that Bills of Rights are in their nature emphatic Declarations of Rights, subject to which all legislative power is to be exercised, and that the Constitutional guarantee contained in the Fourteenth Amendment is of subsequent origin, and operates by way of express limitation upon the exercise of all legislative police powers previously granted, it would seem as though the power of the legislature as "the judge of its own powers with reference to these matters," as Judge Devens calls it, can neither be limited by condition precedent nor by matter subsequent. There is thus attributed to it a peculiar sanctity, originating, I confess, I know not how or where, but which, in the light of the social revolution which many think is soon to be inaugurated, would seem to be especially dangerous.

In sharp and shining contrast to all these are the opinions of the Court of Appeals of New York, beginning with the case of *Wynehamer v. People*, 13 N. Y. 378, of the Syllabus of which the following passages are part:—

The provisions of the act to prevent intemperance (Laws of 1855, p. 340) substantially destroy the property in intoxicating liquors owned and possessed by persons within the State when the act took effect.

In its application to such liquors so owned and possessed, the act violates the provision of the State Constitution which declares that no person shall be deprived of life, liberty, or property, without due process of law.

It seems that, had the act by its terms been applicable only to liquors imported or manufactured after it took effect, it would not have been in conflict with the constitutional provision above mentioned.

But, as no discrimination is made by its provisions between liquor owned when it took effect and that which might afterwards be manufactured or imported, and they are made operative on both, the act is unconstitutional and void.

In this case there were concurring opinions by Judges Comstock, Alex. S. Johnson, Hubbard, Samuel L. Selden, and Chief Justice Denio, and a dissenting opinion by Judge T. A. Johnson, concurred in by Judges Wright and Mitchell. This decision was made in 1856. In 1885 followed the "Matter of the Application of Jacobs," 98 N. Y. 98. In this it was unanimously held that an Act of the Legislature of New York, entitled "An Act to improve the public health by prohibiting the manufacture of cigars and preparation of tobacco in any form in tenement houses," is unconstitutional. It is gratifying to quote this language of Judge Earl, in concluding his opinion (p. 115):—

When a health law is challenged in the courts as unconstitutional on the ground that it arbitrarily interferes with personal liberty and private property without due process of law, the courts must be able to see that it has at least in fact some relation to the public health, that the public health is the end actually aimed at, and that it is appropriate and adapted to that end. This we have not been able to see in this law, and we must therefore pronounce it unconstitutional and void. In reaching this conclusion, we have not been unmindful that the power which courts possess to condemn legislative acts which are in conflict with the supreme law should be exercised with great caution and even with reluctance. But as said by Chancellor Kent (1 Com. 450), "It is only by the free exercise of this power that courts of justice are enabled to repel assaults and to protect every part of the government and every member of the community from undue and destructive innovations upon their charter rights."

The Jacobs case was followed, at the June term of 1885, by

*People v. Marx*, reported in 99 New York, at page 377, *et seq.* The General Assembly of New York had (Laws of 1884, chap. 202) adopted an act entitled "An Act to prevent deception in the sales of dairy products," the sixth section of which was in the following words :—

No person shall manufacture out of any oleaginous substance or substances, or any compound of the same other than that produced from unadulterated milk or cream from the same, any article designed to take the place of butter or cheese produced from pure unadulterated milk or cream of the same, or shall sell or offer for sale the same as an article of food. . . . Whoever violates the provisions of this section shall be guilty of a misdemeanor and be punished by a fine not less than one hundred nor more than five hundred dollars, or not less than six months or more than one year's imprisonment, or by both such fine or imprisonment for the first offence, and by imprisonment for one year for each subsequent offence.

Under this section, Marx was indicted, tried, convicted, and sentenced in the Court of Sessions, and, his conviction having been sustained in General Term (*People v. Marx*, 35 Hun, 528), he appealed to the Court of Appeals, who unanimously reversed the judgment.

The opinion was pronounced by the lamented Judge Rapallo. I quote from page 385, making no apology for the length of the quotation :—

It appears to us quite clear that the object and effect of the enactment under consideration were not to supplement the existing provisions against fraud and deception by means of imitations of dairy butter, but to take a further and bolder step, and, by absolutely prohibiting the manufacture or sale of any article which could be used as a substitute for it, however openly and fairly the character of the substitute might be avowed and published, to drive the substituted article from the market, and protect those engaged in the manufacture of dairy products against the competition of cheaper substances capable of being applied to the same uses as articles of food.

The learned counsel for the respondent frankly meets this view, and claims in his points, as he did orally upon the argument, that even if it were certain that the sole object of the enactment was to protect the dairy industry in this State against the substitution of a cheaper article made from cheaper materials, this would not be beyond the power of the legislature. This, we think, is the real question presented in the case. Conceding that the only limits upon the legislative power of the State are those imposed by the

State Constitution and that of the United States, we are called upon to determine whether or not those limits are transgressed by an enactment of this description. These limitations upon legislative power are necessarily very general in their terms, but are at the same time very comprehensive. The Constitution of the State provides (Art. 1, § 1) that no member of this State shall be disfranchised, or deprived of any of the rights and privileges secured to any citizen thereof, unless by the law of the land, or the judgment of his peers. Section 6 of Article 1 provides that no person shall be deprived of life, liberty or property, without due process of law. And the Fourteenth Amendment to the Constitution of the United States provides that "no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws." These Constitutional safeguards have been so thoroughly discussed in recent cases that it would be superfluous to do more than refer to the conclusions which have been reached bearing upon the question now under consideration. Among these, no proposition is now more firmly settled than that it is one of the fundamental rights and privileges of every American citizen to adopt and follow such lawful industrial pursuit, not injurious to the community, as he may see fit (*Live Stock Ass'n v. The Crescent City, etc.*, 1 Abb. [U. S.] 398; *Slaughter House Cases*, 16 Wall. 106; *Corfield v. Coryell*, 4 Wash. C. Ct. 380; *Matter of Jacobs*, 98 N. Y. 98). The term "liberty," as protected by the Constitution, is not cramped into a mere freedom from physical restraint of the person of the citizen, as by incarceration, but is deemed to embrace the right of man to be free in the enjoyment of the faculties with which he has been endowed by his Creator, subject only to such restraints as are necessary for the common welfare. In the language of Andrews, J., in *Bertholf v. O'Reilly* (74 N. Y. 515), the right to liberty embraces the right of man "to exercise his faculties and to follow a lawful avocation for the support of life"; and, as expressed by Earl, J., in *In Re Jacobs*, "one may be deprived of liberty, and his Constitutional right thereto violated, without the actual restraint of his person. Liberty in its broad sense, as understood in this country, means the right not only of freedom from servitude, imprisonment or restraint, but the right of one to use his faculties in all lawful ways, to live and work where he will, to earn his livelihood in any lawful calling, and to pursue any lawful trade or avocation."

Who will have the temerity to say that these Constitutional principles are not violated by an enactment which absolutely prohibits an important branch of industry for the sole reason that it competes with another and may reduce the price of an article of food for the human race?

Measures of this kind are dangerous even to their promoters.

If the argument of the respondent in support of the absolute power of the legislature to prohibit one branch of industry for the purpose of protecting another with which it competes can be sustained, why could not the oleomargarine manufacturers, should they obtain sufficient power to influence or control the legislative councils, prohibit the manufacture or sale of dairy products? Would arguments then be found wanting to demonstrate the invalidity under the Constitution of such an act? The principle is the same in both cases. The numbers engaged upon each side of the controversy cannot influence the question here. Equal rights to all are what are intended to be secured by the establishment of Constitutional limits to legislative power and impartial tribunals to enforce them.

Illustrations might be indefinitely multiplied of the evils which would result from legislation which should exclude one class of citizens from industries, lawful in other respects, in order to protect another class against competition. We cannot doubt that such legislation is violative of the letter, as well as of the spirit of the Constitutional provisions before referred to, nor that such is the character of the enactment under which the appellant was convicted.

A like question came still more recently before the Court of Appeals of New York, at the June term, 1888, in *People v. Gillson*, 109 N. Y. 389. The Legislature of New York, in 1887, enacted an addition to the Penal Code in the following words (Penal Code, § 335a):—

No person shall sell, exchange, or dispose of any article of food, or offer or attempt to do so upon any representation, advertisement, notice, or inducement that anything other than what is specifically stated to be the subject of the sale or exchange is or is to be delivered or received or in any way connected with or a part of the transaction as a gift, prize, premium, or reward to the purchaser. Any person violating any of the provisions of the foregoing section shall be deemed guilty of a misdemeanor, and, in addition thereto, shall be liable to a penalty of twenty-five dollars, to be recovered, with costs, by any person suing therefor in his own name.

Under this statute, Gillson had been convicted of selling two pounds of coffee, upon the representation that something other than that specifically stated to be the subject of the sale was to be given and received, and in fact was connected with and made part of the transaction, as a gift or prize to the purchaser, and that the defendant sold, upon such representation, and delivered, as a gift, a tea cup and saucer to the purchaser, who received it as part

of the dealing or sale of coffee. Gillson's conviction was affirmed in the General Term of the Supreme Court, but unanimously reversed by the Court of Appeals, and this after consideration of the decision of the Supreme Court of the United States in the case of *Powell v. Pennsylvania*. The syllabus of the case is as follows (the opinion was by Judge Peckham):—

While it is for the legislature generally to determine what laws and regulations are needed to protect the public health and serve the public comfort and safety, and the exercise of its discretion in this respect is not the subject of judicial review, yet a statute, to be upheld as an exercise of the police power, must have some relation to those ends; the rights of property may not be invaded under the guise of a police regulation for the protection of health, when it is manifest such is not the object of the regulation. The provision of the Penal Code (§ 335a, added by chap. 691, Laws of 1887), prohibiting the sale or disposal of any article of food, or any offer or attempt to do so upon any representation or inducement that anything else will be delivered as a gift, prize, premium, or reward to the purchaser, is unconstitutional and void. It is violative of the provision of the State Constitution (Art. 1, § 6) securing to every person liberty and property, unless he is deprived thereof by due process of law, and is not valid as a proper exercise of the police power of the State, or as a health law or regulation of trade in food, to prevent the adulteration thereof. Nor is the said act a valid exercise of the legislative power to enact what shall amount to a crime.

Let me, briefly, state conclusions:—

*First.*—As against the methods, forbidden in the Constitution, of attainder and *ex post facto* law, courts are endowed with adequate power to protect the citizen, not only in the enjoyment of his life, liberty, and tangible property, real and personal, but of all his privileges and rights, to the fullest extent.

*Secondly.*—That when the rights of liberty and property are attacked, otherwise than by these forbidden methods, under the pretence of the exercise of the police power of the State, Federal and State Courts, with the distinguished exception of the Court of Appeals of New York, seem impotent to protect either from the invasion of legalized monopoly, or the ruin of estates and the destruction of existing lawful traffic, unless it appear on the face of the statute affirmatively, without reference to extrinsic facts other than those of which courts take judicial notice, that the attempt is an abuse of the State's police power.

How easily the legislature may evade its duty in the premises without the dissent of the court is proved by the facts which gave rise to the case of *Powell v. Pennsylvania*.

*Thirdly.*— That the police power thus exercised is extensive and undefined (and dangerous in proportion to its want of definiteness), but may be generally said to consist in the right of the legislature to adopt such precautions and impose such penalties as they, not the courts, may think fit for the protection of the people of the State against whatsoever in their judgment may threaten injury. This is a very indefinite definition, but it is the best I can make.

I do not believe there is anything more important to the liberty of coming generations than to set limits and bounds to the police power, but the work has not yet been begun. Especially is this so if the rule adopted in *Powell v. Pennsylvania*, that the courts have no right to penetrate the disguises under which this dangerous power may cloak itself, be adhered to, which is practically almost if not quite equivalent to saying that legislatures have in this respect omnipotent power to overrule Bills of Right and Constitutional guarantees and limitations.

*Fourthly.*— That all property and avocations in which the "public" have an interest are so devoted to the service of this "public" that they may be controlled by the legislative power, without the necessity of resort to the power of eminent domain, or compensation to those who thereby suffer loss. As Mugler was compelled to pocket the loss of his brewery, and Powell to close his oleomargarine works, and Munn to shut up his elevator or run it at a loss, so in future the only alternative offered to those who, having appropriated their property or labor in services which may be beneficial to others, may be ordered by legislative authority to work at a loss, is to shut up shop and to betake themselves to something so exclusively private that nobody but they themselves can receive benefit. This is the reward which the law threatens to future "public" servants of this class.

*Fifthly.*— That, as the extent of the police power is indefinite, so also are the facts and circumstances which shall constitute such practical dedication of property or services to others indefinite. At present, they are expressed under an "*et cetera*"; and it is reserved for the future judiciary to explain this symbol and give its full and accurate meaning.

*Lastly.*— Those who believe with me that our fathers rightly



classified the right of property with the rights of life and liberty, as among the most important; those who are persuaded that every possible encouragement should be given to individual effort by fully protecting the sanctity of individual property; those who are confident that it will be better and cheaper in the end to pay something, by way of eminent domain, even for suppressing breweries and distilleries and oleomargarine factories and elevators, than to destroy them under the pretence of the exercise of an indefinite police power, or of an inherent right of government to control property devoted to a so-called "public" use,— will find reason to consider whether the Bills of Rights do not need rewriting, and whether it ought not to be made more imperative upon courts to open their eyes to the violation of such rights, and to stretch forth their executive power to enforce them.

Our fathers established a republic on the theory that the greatest possible happiness results from the largest liberty of individual effort. To this end they relied, not upon the direction, or even encouragement, of labor by the State, but upon the inducements of liberty and the protection, through the agency of Constitutional guarantees, of life, liberty, and the fruits of labor. It was, at an early date, and it has often since been, sought to substitute a species of indirect State socialism for this freedom upon which Mr. Jefferson and his associates relied. We are now, however, confronted not only by indirect but also direct State socialism, protection from which will finally depend upon the individual intelligence and personal aspirations of citizens. In the struggle before us, however, the Constitutional guarantees ought to be a bulwark and strong fortress of defence for those who believe in labor, directed by the guiding mind of the laborer, and not by the State; and such they will prove to be unless their meanings be perverted and their purpose thwarted by those who are charged with the duty of expounding and sustaining them.

### 3. EDUCATION AS A CURE FOR CRIME.

BY S. T. DUTTON,

SUPERINTENDENT OF PUBLIC SCHOOLS, NEW HAVEN, CONN.

(Read Sept. 5, 1889.)

The relation of education to crime (and I shall use the word "crime" as including all that is opposed to good morals as well as what is contrary to laws) has usually been considered on far too narrow lines. The attempt has been made over and over again to prove that ordinary school instruction is a direct specific for crime; that the illiterate are largely criminals, while the intelligent are law-abiding and virtuous. It has not been difficult, of course, to overthrow these arguments; for the same statistics upon which they were based, by a different manipulation, have been made to do duty in destroying them. More than this, in much of the discussion of this sort there is wanting any adequate recognition of the *real essence* of crime or the almost purely *intellectual* character of education as it has been carried on in the past.

It has been forgotten that criminal aptitudes, like tendencies to disease or insanity, are largely physiological, and have tainted the blood and reacted upon the nerves of a long ancestry. Another universal principle has been overlooked; namely, that any organization tends to build itself up from the germ after an ancestral pattern, and that the modifiability of that type is brought about only under special nurture and environment applied at an early stage of growth. "Heredity," says Ribot, "is a law of living Nature, a biological law of necessity, a principle of conservatism and stability." Hence it follows that the cruelty, baseness, and crime of past ages are reflected, not only in history, but in the wrong-doing of the present time. Evil instincts, passions, aptitudes, are woven into the fibre of the nerve substance. They taint the blood and are stamped upon the countenance. Whole families are so degraded that mental and moral recovery seems impossible. The Whitechapel districts of our great cities contain a population that is more homogeneous than the Back Bays or Fifth Avenues. The turbid stream of poverty and ignorance, of intemperance and

immorality, has persistently coursed its way down through the generations of the past, and to-day often threatens to overflow and carry ruin to the existing order of things.

Seeing, then, that tendencies to crime are part of the legacy to human nature from a remote past, and are hence constitutional, it is not difficult to understand why education has failed as a quick and complete remedy for them. If we consider, also, the large catalogue of crimes caused immediately by intemperance, we find that education has not been of a sort to prevent them.

The educational methods of the past have been almost exclusively directed to the culture of the intellect. This has been true of elementary teaching both in this country and in Europe; it has, to a large extent, also, been true of the colleges. To memorize, to recite, to reason and demonstrate, have been the chief aims. Prior to the last few years, little attention was given to bodily or mental health. The school was often as unsanitary as the poorest home. No attempt was made to bring the nervous organism of the child into harmony with his environment, and, hence, to promote cheerfulness, spontaneity, and vigor. It was usually a system of mental tasks rigidly applied, whose direct tendency was often to make the sick more sick, the morbid more morbid, and the vicious more vicious. The doctrine of the "survival of the fittest" had free course. Those only who had inherited physical and intellectual vigor endured the strain and rose to success in life. There was nothing in the system that dealt heroically with human disease and evil in its germinal forms, or that recognized the great laws of natural selection and environment—that operate in the breeding and rearing of children, as well as in the culture of plants and animals. Many a parent has looked with pride upon his well-bred horse, kept in a box-stall, paying strict attention to his food, exercise, supply of light and air, while his child, delicate, it may be, has been sent to a school where every principle of hygiene, moral and physical, was violated.

Again, assuming that education has been able largely to overcome ignorance, it has not therefore been a cure for crime. Says Herbert Spencer, "Ignorance and crime are not cause and effect: they are coincident results of the same cause. The fact is that scarcely any connection exists between morality and the discipline of ordinary teaching. Mere culture of the intellect (for education as usually conducted amounts to little more) is hardly at all operative upon conduct. Creeds pasted upon the memory, good prin-

ciples learned by rote, lessons in right and wrong, will not eradicate vicious propensities, though people, in spite of their experience as parents and citizens, persist in hoping they will."

Bernard Perez, whose exhaustive study of the "First Three Years of Childhood" entitles his views to respect, goes even farther than this. He says: "The business of education is much more concerned with the *habits* that children acquire, and with their wills, which are also developed by habitual practice, than with the development of their moral conscience. The latter is the blossom which will be followed by fruit; but the former are the roots and branches." It is, then, with the roots of life and character and the soil in which they grow that we are chiefly concerned in estimating the value of education upon those morally defective.

Before closing this discussion, I shall attempt to show that education bids fair to be so changed in the immediate future as to become more efficient as a corrective of evil tendencies. At present, I desire to speak of educational methods and results in the past, as affecting crime. While it must be apparent that education has not usually addressed itself to the will and the emotions, and has been blind to the truth that morals as well as mind depend upon health and body, it can still be shown that schools have done more than all other agencies during the past two centuries to improve the conditions under which civilized man lives. While they have not proved a prompt remedy for crime, they have promoted a general intelligence that has been able to deal with it more humanly and wisely.

Two great forces, *inductive thought* and the *democratic spirit*, have been at once the cause and effect of education. By the first, the human mind, freed from its fetters, has penetrated the secrets of nature, has conquered time and space, and has achieved in one hundred years greater social and industrial progress than were seen in any ten centuries of the world's former history.

The spirit of democracy has been no less potent in recasting human society and calling forth the energies of men in great enterprises tending to comfort, convenience, and health. On the American continent especially, the possibility of successful self-government has been proven beyond all question. The same doctrine is working its way in Europe, and will gradually tend to curb the most autocratic of rulers and soften the restraints which harass the subject and thwart his enterprises.

Schools of learning, from the lowest to the highest, have been

the channels through which these regenerating influences have worked their way to the minds of men. Whenever a child has been taught to read, he has been intrusted with a key wherewith he can unlock the great storehouse of knowledge. History and literature become his teachers. He rises out of himself, and thinks the thoughts of others. He knew before that life was a struggle; but he sees now that mankind has been struggling on for ages, and that to the sum total of human toil and pain he is indebted for what he is, and that he will be to a certain degree responsible for the future of his race. God's revelation becomes his possession, in the pages of which are revealed both his own weakness and depravity and the Deity perfect in power and goodness.

In the long march from the savagery of six thousand years ago to the civilization of the present, progress was measurably slow until schools began their work of mental elevation.

That education has been *indirectly* effective in preventing crime can be safely affirmed. The lighting of our city streets, the scientific appliances employed by the police, the use of chemistry and electricity in the detection of crime, and the better administration of justice are but incidents of the improved moral and social condition which education has produced.

The study of nature has tended to soften human feelings and to promote a humanity that is quick to sympathize with weakness and suffering. Every hospital, with its trained attendants and its appliances for soothing pain and thwarting disease, every retreat for the insane, schools for those defective in sight, speech, or the imbecile,—all these witness to the intelligent and earnest philanthropy of our time. Even dumb animals are protected from cruelty by law. Society, aroused and on the alert, is guarding the public health from every contaminating influence; and, while science is attacking the germs of disease with marvellous results, we hear of the discovery of an "elixir of life" that can make the aged young and the weak strong.

John Stuart Mill defines education as "whatever helps to shape the human being, to make the individual what he is, or to hinder him from being what he is not." Accepting this very broad definition, and observing the enlightened condition of the civilized world and the security in which we live, we are able to award to education in general, and to the public school system in particular, a large measure of credit.

If our jails and prisons are as full as ever, we know that many

are deterred from evil-doing by modern facilities for detecting and punishing crime. If intemperance is still defiantly assaulting life and character in every grade of society, and is the direct agent of more crime than all other causes considered, we still know that a moral sentiment is being developed that will eventually place this monster evil in subjection and protect society from its ravages. The movement now in successful operation towards making hygiene and the evil effects of alcohol topics for instruction in the common schools will add materially to the debt which the public welfare owes to popular education.

The fact that we are annually adding to our population upwards of half a million of foreigners, many of whom are not in sympathy with our institutions, but are bred in pauperism, discontent, and possibly in crime, is often overlooked when criminal statistics are cited by pessimistic writers. But there is no grander proof of the efficacy of free schools than is seen in the capacity of our country for receiving and assimilating this mass of material without serious detriment. The increase of crime may be partially explained by other causes, as, for example, the rapid growth of cities, the unsettled condition of our industrial system, the rapid accumulation of wealth, all tending to prove that the subject of crime and its causes is very complex, and presents many problems for science and philanthropy to solve.

But, whichever way we turn, we have to face one sublime fact,—these United States, with all the dangers to which they have been exposed, resulting from rapid growth, immigration, and intemperance, have severally and unitedly evinced a strength and stability that have excited the world's admiration; and this phenomenon can be explained only in the intelligence of the people through the common schools. If our education in the past has not been powerful as a corrective of crime, it has certainly produced a high average of intelligence, and fortified the public mind and conscience in its attempt to deal with it promptly and wisely.

With this hasty and somewhat superficial view of the relation which education has borne to crime hitherto, I propose to consider rather carefully the prospects for the diminution of crime in future through educational means.

The hosts of evil now pressing upon us are vast and threatening. Intemperance, immigration, heredity, ignorance, poverty, and insane, nihilistic tendencies are present in great strength. Now, granting that the pulpit and the press are efficient as pre-

ventive agents by their constant appeals to right and warfare upon wrong, and by their efforts in disseminating truth, we must look to the schools, public and private, to so counteract and cure moral disease in its incipient forms as to afford to all our youth a fundamental training in habitual morality. In previous remarks, I have laid considerable stress upon heredity and the principle of persistence of type, so well understood by the naturalist; but there is another truth of equal educational value in this connection, and that is the exceeding plasticity of the infant child, and the capacity of his nature for modification through proper training and environment. Children born under the worst conditions, if transplanted at an early age to a good home, form moral habits that prove their safeguard through life.

The schools are capable of doing a great corrective and curative work. The educational reforms instituted during the past ten years, and now being vigorously pushed, all look to this result. The assertion may sound paradoxical, but the schools of the future are to be more corrective of evil because less penal and less repressive than in the past. Strong, healthy growth, moral, physical, and intellectual, leading up to honest citizenship, is to be the real end and aim.

Says Washington Gladden, addressing himself to those who direct the policy of our schools, "You have been building on a foundation too narrow; you must enlarge your basis; you must learn that character is the result of a harmonious development of all the powers of the eye and hand and the practical judgment, and the will, as well as of the memory and the logical faculty; and you must not forget that industrial training affords a discipline almost indispensable to the right development of character." The new education, whose principles are already well diffused, and whose sole purpose is to build character on solid foundations, calls for a more generous policy on the part of the State and greater skill and discrimination in applying educational means.

First, greater attention must be paid to school hygiene, including both health conditions of buildings and those dangers growing out of the nervous tendencies and defective constitutions of so many children. The State cannot afford to furnish an education that ignores the laws of health and fails to promote physical stamina. The ancient Greeks exposed their weak and defective children, and so spared them a life of suffering and unhappiness. Is the civilized State of to-day doing better than they, when it

sends its youth out to battle with life unschooled in the care of the body, or, it may be, weak and puny, from lack of physical culture?

A recent paragraph in the Chicago *Inter-Ocean* is full of truth. It says: "Physical infirmities and deficiencies, resulting from the disregard of the commonest rules of muscular development and bodily perfection, must have their reflex in the spiritual and moral character of the victim. Strong, active, physical health is rarely associated with moral perversity in the rightly educated man or woman."

The educational authorities of England, seeing the remarkable results of physical training in the schools of Germany and Sweden, are earnestly agitating this question. Even now, in the Board Schools of London, instructors are employed to introduce the Swedish military drill, in which a great variety of muscular movements, at once graceful and rhythmic, is secured. Decided indications of progress in this department are seen in this country. Hygiene has become a prescribed study; gymnastics and military drill are somewhat in vogue; and in several cities physicians are employed as inspectors of schools with regard to health.

The second demand is the adoption in our cities of the kindergarten as a part of the public school system, especially for all neglected children and those whose breeding and environment are likely to result in criminal habits. I wish to emphasize this point. It is most vital to the question we are considering. If the State leaves the children born in the slums to run wanton during the first five, six, or seven years of life, until every form of wickedness and evil is automatic in their thought and feeling, she must expect to reap a harvest of crime.

The kindergarten has been found to possess this distinct advantage over all other forms of infant training,—that children, if taken at three years of age from the worst surroundings, can be reclaimed. The plastic nature of the child responds readily to love and kindness. As a new environment is revealed to him, so a new set of affections and impulses is awakened. The aim of the kindergarten is thoroughly normal. The systematic development of the child power, the arousing of self-activity, the culture of the feelings, the establishment of the practical virtues, the kindling of æsthetic, moral, and social sentiments,—these are all present in the true kindergarten. It may be said, in passing, that this training is the best possible foundation for the school proper. So says



Doctor Harris, our newly appointed Commissioner of Education, who has had universal facilities for observation. A recent writer has said that "solicitude for children is one of the signs of a growing civilization." Let this sentiment materialize in legislation that shall zealously rescue from danger all those unfortunates who are inevitably destined to be an expense to the State. It is far cheaper to apply some simple remedy in the earlier stages of an illness than to become a confirmed invalid and wage a life-long struggle with disease. A school training, engrafted on a character that is fixed in bad habits, is as unsafe as was the dam at Johnstown, with its flimsy foundations and a mountainous mass of water pressing against it. Five dollars a year spent in giving a child kindergarten training may save the State ten thousand dollars in trials and imprisonments, to say nothing of the economical advantages of having each and every man a supporter of the laws rather than a source of moral contamination, a producer of wealth rather than a destroyer of it.

Third, we must leaven the entire curriculum with that most effective of all moral correctives, manual or industrial training. While I prefer to argue this question on the broadest educational grounds, time will only permit me at this time to emphasize the moral element that belongs to all intelligent labor. So much has been written on this topic that I need recall only a few well-known facts. Wherever mental and manual exercises are blended, there is manifest a moral earnestness, a growth in manly and womanly character. This is no theory. The results now seen in many schools and colleges testify to the truth. Wherever, in the public schools of this country, boys are trained in the use of tools or the girls are taught sewing and cooking, the children from neglected homes seem to experience a change in conduct and ambition. Hope for the first time dawns upon their lives; and they become missionaries at home, setting order, comfort, and happiness in the place of squalor and wretchedness.

The system so extensively adopted in England, and partially begun in this country, of gathering dependent children into industrial schools where the useful arts are pursued in connection with a vigorous schooling of the mental and moral powers, has convinced many observers that France has builded wisely in constructing a system of national education with the industrial element present in every grade. A most striking evidence of the reforming power of diversified industry is found in the recent

history of several of our reformatories. At Elmira, particularly, industrial education has shown its potency in helping to establish character upon a healthy basis. If the adult man, mature in habit and addicted to vice, can be educated into integrity, what may not be accomplished with our youth if taken at the proper stage?

That the State of New York has framed a law empowering courts, under certain limitations, to pass indeterminate sentences on all criminals, means simply that the time is coming when a criminal will be released only as he gives evidence of reformation. In other words, he must be morally and industrially educated. What ought to have been done in the common school, under our compulsory laws, must now be done in the prison at vastly greater expense.

In several schools where negroes and Indians are educated, the results of combining manual and intellectual training are most significant. It is freely acknowledged, by those who have studied the problem most thoroughly, that the only hope of elevating the Indian and the African lies in a sort of industrial reformation. Until recently Christian missions have been far less successful in Africa than the Mohammedan, mainly because the latter have introduced into the life of the savage a sort of industrialism that served as a civilizing factor. Evidence that the industrial and domestic arts as Christianizing forces are stronger even than preaching is bound to give color to missionary enterprise in the future. Have we not, then, abundant proof that this element, which operates so powerfully in the enlightenment of the heathen and the savage, and in the reformation of the vicious and defective, should be a constant and somewhat prominent factor in public education?

All this experience with criminals and with the savage races shows us that what science has taught concerning evolution and the development of species must be applied in education, as well as in the nurture of plant and animal life, before the evil nature will shake off the rudiments of barbarism which still cling to it. Self-activity is the law of healthful life and growth in every organism. An unused muscle is a moral infirmity. Every morbid nerve is an invitation to crime. When the youth is bred to honest industry, there is no congestion, no bilious insurrection, but rather free circulation to every member of blood purified in God's air and sunshine. Every nerve-cell is full of healthy life. All new growth of tissue under these conditions tends to make Dr. Jekyll

stronger than Mr. Hyde, and to preserve a balance of power on the side of honest endeavor.

Finally, education will become a curative of crime only as all teaching is subordinated to the one central aim of developing and establishing character. The cultivation of the body, the intellect, and the will, must find a unity in the idea of moral completeness. All children must be reached. They must be reached early. Spontaneity and self-activity must be fostered at every step. Through drawing, designing, and construction, accuracy, integrity, and love of the beautiful are to be inculcated. The study of nature in all her wonderful forms, with countless lessons of God's creative skill and infinite love and care, is rapidly asserting its claims as the true subject-matter of teaching. In other words, less study of books and more of the world around us is needed to train the eye to see, the ear to hear, and to fit our youth for practical life.

Nor would I place small emphasis upon what may be called the moral atmosphere of the school. The Christian teacher, if wise and skilful, exerts a powerful influence for good. The clergyman who attempts to discredit the modern school as a moral force must remember that our teachers usually belong to the best working material in the churches. If they are wanting in what is true and righteous, it is likely that the churches themselves are at fault, and that preaching is vain.

Self-government is the corner-stone of this republic, and is destined to animate all mankind in the not distant future. The school must build character upon this foundation. The weak and defective are to acquire strength by self-control and patient endeavor.

While recognizing the unpleasant fact that education struggling with other moral agents has failed to cure crime, I have tried to show that it has created those moral and social conditions that are favorable to its restriction and suppression. Moreover, in view of the reform which is now affecting all educational methods, I do not hesitate to predict that, in the better future towards which we are hastening, we shall see these methods applied in universal and successful child-saving work.

For the application of what has been said, it is easily apparent that special legislation is necessary.

(1) Every unit of school organization, whether town, city, or district, should be compelled to provide for its children adequate and healthful school accommodations.

(2) Laws compelling attendance are lacking in many States. Only seventeen have passed compulsory statutes. Ten and a half millions of children in this country attend no school, and have none to attend.

(3) Children must be protected by law from the exactions of labor which interfere with school privileges until they are at least ten years of age. Between the ages of ten and fifteen years, a certain definite number of weeks of schooling should be assured to every child.

(4) The State should, in some way, undertake the care of neglected children, as early as at three years of age, either in kindergarten or home schools, like the Day Feeding Schools of Aberdeen, Scotland.

(5) The children of confirmed criminals should also be taken in charge, and placed where a long-continued and vigorous treatment, sufficient to counteract bad tendencies, could be applied.

(6) Manual training should be sanctioned by law as a feature of training in all grades of schools. It has already shown its potency as a corrective influence when applied in an educational way.

#### 4. IMMIGRATION AND CRIME.

BY W. M. F. ROUND, OF NEW YORK,

SECRETARY OF THE NEW YORK PRISON ASSOCIATION.

(Read Sept. 5, 1889.)

The increase of immigration within the last quarter of a century, and the enormous increase of crime during the same time, are facts in our national history that I desire to place side by side for the reader's consideration. If there is any relation between these two factors of our national development, we should be able to discover it. If there are dangers apparent in a study of the facts brought forward, we must put our minds to the task of discovering a remedy. The questions under consideration have been regarded of sufficient importance to merit frequent and careful discussions in our national councils. From the very foundation of the government — and before its foundation — law-makers have sought to reconcile the restriction of immigration with that dominant spirit of our national policy, the welcome of the oppressed of every land. The latest action of Congress in this matter was, in the year 1888, the appointment of a select committee of the House of Representatives to investigate at length the administration of the national laws regulating immigration, at the various ports of the country. This committee made its report in the last session of Congress, and proposed a bill designed to meet the dangers it had discovered. The bill failed to become a law. The present immigration law, though better than its predecessors, is far from being what it should be. It was passed in 1882. Speaking to this bill, in 1881, Senator Morrill, of Vermont, said : —

The paramount question must be asked, whether or not there is visible cause for alarm, lest among the miscellaneous multitude of foreign immigrants annually landed on our shores, trained to widely different institutions, with a Babel confusion of tongues, including paupers, lunatics, idiots, and criminals, there may not be introduced many vicious and inconvertible elements, more dangerous to the individuality and deep-seated stamina of the American people, and more worthy of rigid quarantine, than even the most leprous diseases. I refer to those whose inherent deficiencies and iniquities are thoroughbred, and who are as incapable of evolution, whether in this generation or the next, as is the leopard to change his spots.

The language of this inquiry is of the strongest, and indicates plainly enough that the speaker had been roused to an enthusiasm of alarm by the facts discoverable in a study of the subject. What these facts are, the following figures will in a measure indicate. Let us give our attention, first, to the number of immigrants in relation to the volume of population.

Turning to the tables of the last census, we find that in 1880 the population of the country was 50,155,783, of which number 6,679,943 were of foreign birth; that is, 13.3 per cent. of our population have been emigrants. But we all know that, so far as political and social affiliation and action are concerned, the children of the foreign-born population must be reckoned with their parents, and that ordinarily, when we speak of the foreign population, we include in our thought foreigners and the direct families of foreigners. This would make our foreign population amount to 14,995,996, or within a very small fraction of 30 per cent. The great cities, which are our great crime centres, are also the great centres of our foreign population. Of the population of Boston, 70 per cent., it has been computed, are of foreign birth or parentage; of that of New York, 80 per cent.; and of that of Chicago, 91 per cent. But these facts have little significance in their relation to the crime volume until we bring them alongside of another set of figures; namely, the statistics of our prisons. Turning once more to the census report of 1880, in figures stated to be under rather than above the actual facts, we find that we have a prison population of 59,255; and of this number 12,815 were of foreign birth. Thus we see that 13.3 per cent. of our population furnishes rather more than 21 per cent. of our prison population.

This general statement is borne out, of course, if the special statistical tables of the different States. In the admirable report of the Minnesota State Board of Corrections and Charities, the following comparisons are set forth. In Massachusetts, 24.9 per cent. of foreign-born inhabitants furnish 27.8 per cent. of the prison population. In Pennsylvania, 13.8 per cent. of foreign-born furnish 20 per cent. In Ohio, 11.8 per cent. of foreign-born furnish 15.5 per cent. In the table from which I have quoted, the State showing the largest percentage of foreign-born criminals—namely, New York—is omitted. It shows that 23.7 per cent. of the population of foreign birth furnish 35.9 per cent. of the prison population. A late report of the Commissioners of Charity and Correction of the city and county of New York shows that the

public institutions of that city contain nearly 65 per cent. of foreigners, although they are but about 30 per cent. of the population.

Thus far we have in our grouping of facts kept strictly within the literal limitations of the title at the head of this article. The subject cannot, however, be fairly treated without a thought of our larger foreign population, which includes the children of foreigners. These make up a body of our citizens who enter into a larger life and liberty than their parents, with all the inherited prejudices and vices of their parentage, spending their early years in an environment distinctly foreign in thought and often foreign in language. It is from this class that we find our criminal army most largely recruited. It takes more than one generation to get the taint of "effete monarchy" out of the blood, and the shamrock is a plant of such strong root that it takes more than one generation to replace it with the golden-rod. We have not time to study the complex and often confused tables of nationality to be found in our various reports of prisons. But if we turn to the report of the Prison Association of New York for 1888, and study the tables of discharged prisoners, we shall find quite enough to convince us that a danger incident to unrestricted immigration is to be found in the unborn families of incoming aliens. Of 584 discharged prisoners who applied for assistance to the Prison Association of New York in a single year, 174, or 30 per cent., were foreigners, and 238, or 41 per cent., though born in this country, were the children of foreign-born parents. If in our thought we consider the foreign population as the foreign-born together with the children of the foreign-born, we find that this class furnishes rather more than 71 per cent. of our prison population. Lest these figures should not be considered a fair showing, as having been gathered outside the prisons, I will take the figures of a typical institution, the report of which happens to be lying close at hand as I write. Of 182 prisoners committed to the Massachusetts Reformatory for Women in 1880-81, 88 were of foreign birth, and 149 were either of foreign birth or the children of foreigners; that is, 48.3 per cent. were alien in fact, and 81.4 were the children of foreigners, having the prejudices and vices of foreigners and the crime tendency of their respective nationalities.

From the figures that I have quoted, it is very evident that there is some relation between the great stream of immigration and the ever-increasing crime class of our country. Let us try to find out just what this relation is,—whether a relation of quantity or

quality; whether our action in the matter should be in the direction of reducing the number of immigrants or of demanding an improvement in their character. If we again examine the figures of the census reports, we shall no doubt be surprised that, with the enormous volume of immigration, the percentage of the foreign to the native element remains much the same in the last three census periods, ranging between 13.1 per cent. and 14.4 per cent. of the population. The increase of crime, however, is enormous and out of all proportion to the increase of the population. Going back to 1850, as the first census period of our reckoning, we find that the ratio of prisoners to each million of the population was 290 for that year; for 1860 it was 607 to each million; in 1870 it was 853; in 1880 it was 1,169. These figures force us to the conclusion that the increase in crime has no relation to the mere volume of immigration. The relation, if any exists, must be found to be a relation of quality rather than of quantity.

This naturally brings us to an analysis of our immigratory increase, since, if any relation is to be found between this factor of population and our crime increase, it must be found in the kind of people that are coming to us. In regard to nationality, we find that, of our foreign population,

The British Empire furnishes . . . . .	5.5 per cent.
Ireland furnishes . . . . .	3.6 "
Germany " . . . . .	3.9 "
Norway and Sweden furnish . . . . .	0.7 "
China furnishes . . . . .	0.2 "
Italy " . . . . .	0.08 "

Now, let us see if these percentages are in proportion to the foreign element of our prison population. I find by the figures of the United States census\* that, of our prison population,

The British Empire furnishes . . . . .	12.5 per cent.
Ireland furnishes . . . . .	9.2 "
Germany " . . . . .	3.6 "
Norway and Sweden furnish . . . . .	.4 "
China furnishes . . . . .	.9 "
Italy " . . . . .	.2 "

This, it will be seen, is only placing our reckoning among those born in foreign countries. A glance will show us the disproportion between Ireland's 3.6 per cent. of the population and her 9.2

\* In this estimate, prisoners convicted for minor military offences are omitted, leaving the aggregate of prisoners 57,684.



per cent. of the criminal class; that her crime tendency as represented here is in strong contrast with the figures for Germany which show 3.9 per cent. of the population and only 3.6 per cent. of the prisoners, or just above  $\frac{1}{3}$  of Ireland's record in the imprisoned crime class. It is much to be regretted that we have no statistics easily available for similar comparisons in that larger class, the children of foreign-born parents. The best we can do — and it gives us an approximate idea of the condition of things — is to turn once more to the report of the Prison Association of New York. We see at a glance that 276 of the 584 discharged prisoners who applied for help, or more than 47 per cent., were either born in Ireland or were of Irish parentage; while Germany, furnishing 134,254 more of the population of the country than Ireland, furnishes but 12.8 per cent. of these beneficiaries, — a trifle more than one-fourth the number furnished by Ireland. Wherever in the United States prison figures are obtainable, the results are not greatly different.

If there is among the Irish immigrants a tendency to lawlessness, a superabundance of unrestrained Celtic energy that makes for crime, surely we ought not to have been the first to discover it. It has been hinted at from time to time in the British House of Commons; but, as I was told by an impartial Irish agitator, "if you hear anything against Ireland in the House of Commons, you are not to believe half of it; and, if you hear anything good, you may know that the half of it is not told." I will set any statements made in that place aside, and seek my figures in the tables prepared by one of the coolest and most careful statisticians the world has known. We have seen that Great Britain furnishes 12 per cent. of our prison population, and that more than 9 per cent. is Ireland's portion in this sum. I take up an essay by Professor Leone Levi "On Indictable and Summary Jurisdiction Offences in England and Wales," and I find therein a reckoning for England similar to that which we have been making. Professor Levi states that the percentage of foreign-born population and prisoners was as follows: —

	Population. 1871.	Criminals. 1878.
Natives of Scotland, . . . . .	0.9	2.3
" Ireland, . . . . .	2.5	13.1
" colonies, . . . . .	0.3	0.4
" foreign countries, . . . . .	0.6	1.3

Professor Levi attempts no explanation of the preponderance of

Irish offenders. He says further that "the total number of persons charged with crime was to each 1,000 of the population, in 1876, in France, 19.38; in 1878, in England, 27.8, in Scotland, 41.25, and in Ireland, 51.10. Thus it will be seen that the crime tendency of the Irish is more than double that of the French, and nearly double that of the English. We have no occasion here to discuss the cause of this crime tendency among the Irish. We have nothing to do with operative causes only so far as they appear in the personal history of every emigrant who seeks to land upon our shores; and no emigrant should be allowed to land of whose antecedents something is not known. At present, the facilities for investigating the antecedents of emigrants are meagre and inadequate. They do, however, constantly reveal cases that may well cause us alarm, and which emphasize the demand for more concise and thorough laws. Since we have found that the parallel between the increase of crime and the increase of immigration is not one of numbers, it behooves us to examine carefully the raw material for population that is being shipped to us.

The special committee of Congress to which I have already referred has in its report given us much carefully collected evidence, showing us that we are constantly receiving those who are known to have been burdensome to their own governments and are likely to become so to ours. Our consular reports on the subject are corroborative of the same danger. The reports of the immigration commissioners show the annual discovery of scores of criminals, but say nothing about the other hundreds who are undiscovered at the gate of the nation. Speaking of the law as applied to this class, Senator Morrill, in the speech from which I have already quoted, says:—

In the case of convicts, our present law is even more faltering and uncertain. The party may be verily guilty, but, if unconvinced, it does not count, and the law does not apply. It can hardly be expected that men on the rogue's march, hunted out or in dread of being hunted out of their own country for crimes, will come here, and, at the instant of landing, turn state's evidence and confess themselves convicts,—an act which would be likely to send them directly back to the frigid justice of the land from which they had but just escaped. . . . Obviously, the detection of convicts or criminals, from their physiognomy or their wardrobe, by State commissioners, when altogether limited to such tests, must be perfunctory and unsatisfactory. But convicts are known at home, where the taint adheres forever.

Mr. Richard Daily Lang, in the admirable essay on "Evil Effects of Unrestricted Immigration," which took the prize of the American Economic Association, referring to the inefficiency of our present law, says very pertinently:—

It is hardly necessary to point out the impossibility of the commissioners (as in New York) selecting, from a mob of 9,000 human beings daily, those who are prohibited, by simple inspection and in a limited time. A convict does not assume his stripes when travelling, but, like his more lordly neighbor, he goes incognito. . . . The Anarchist waits an appreciative audience before he harangues.

The investigating committee of congress (generally spoken of as the Ford Investigation Committee, from the name of its chairman, the Hon. M. H. Ford, of Michigan), already referred to, places in the evidence obtained by them the statement of Examiner Hoffman, who declares that he had "seen immigrants with brands of a foreign workhouse, ticketed to different sections of the country"; and one of the emigration commissioners declares that "the local administration of affairs at Castle Garden, by the method and system now followed, is a perfect farce."

Until within a short time, the rooms of the Prison Association were frequently visited by discharged French, English, Swiss, and German criminals, who had been "assisted" to emigrate, in some cases with a suspended sentence hanging over them and emigration the alternative. Having been admonished, during the administration of Mr. Evarts in the State Department, that no succor must be given by the society to British criminals, a hard and fast rule was made, to the effect that in case of such applications the authorities at Castle Garden should be notified. This rule was communicated to the foreign societies with which the Prison Association was in affiliation. The law, however, has been evaded again and again. Not many months ago a case came under the writer's notice which was so strongly typical as to be worthy of detailed citation here. My memorandum reads:—

Case of Charles Barrel, English, forty years of age. Came to this country with a note of introduction from the chaplain of an English prison. He stated that he was a ticket-of-leave man, sent to Manitoba by the Sheriff's Fund of London, but provided with a ticket only to New York. No money was given him for his fare from that point to Manitoba. He secured admission to a home for discharged prisoners. Afterward found work at his trade, that

of an engineer, in a hotel. He lost this place through the treachery of some one in whom he had confided. He then went to Chicago, where he was for a time in a home for ex-convicts. He committed a burglary in Chicago, and when last heard of was serving a term in the Illinois State Prison at Joliet. He was a man of rough and forbidding appearance, somewhat pitted by small-pox. He had a quick temper, and will most likely be a dangerous man all his life.

Every detective in New York knows that there is scarcely a ship landing immigrants that does not bring English, French, German, or Italian "crooks." The law reads that "convicts" shall be sent back. Who shall dare to send back the unconvicted thief, though known to have been a member of the criminal class for years? Not only do foreign criminals come here in hordes, seeking "fresh woods and pastures new," or to escape too close scrutiny at home, but there come by thousands members of those helpless classes from which crime has little difficulty in recruiting its ranks. In the *New York Sun* of July 9, 1889, appeared the following article:—

In the London correspondence of the *Sun* of June 9, facts were stated about the methods that prevail on the western coast of Ireland, which, to quote the words of the correspondent, "might interest the commissioners of emigration in New York." It was stated that Erris, in county Mayo, had been placarded with posters requesting persons desirous of emigrating to America to apply to Emigration Agent Bourke. There were many applications, and Bourke selected 100 of the poorest and most worthless families of the population for transportation. A hitch arose which compelled him to give up the idea of sending them over in a body, and he hit upon the plan of shipping them at the rate of one family a week, his method being to put one man in as the head of a family, and to send a lot of others as his children and relatives. This statement was made on the authority of the Rev. Henry Hewson, the parish priest, whose word was corroborated by Mr. John S. Murphy, a leading merchant. Commissioner of Emigration Edmund Stephenson, of this city, at once wrote to the Rev. Mr. Hewson and to Mr. Murphy, stating the substance of the article, and requesting their personal statement as to the truth of the report. Mr. Stephenson took the precaution not to mention that he was one of the commissioners of emigration, fearing that, if he did so, he would get no reply. He has just received an answer from Mr. Murphy, dated Belmullet, June 27. Mr. Murphy writes: "The poorest and most worthless class are sent from this place on what is termed the 'free emigration,' by what is called here the 'emigration committee.' The committee is, I believe,

only nominal: it is embodied in the person of the gentleman you mention, a Mr. Bourke, who was formerly vice-guardian of Belmullet Union."

Mr. Murphy goes on to state the methods employed in the selection and shipping of emigrants, and corroborates the *Sun's* statement in all respects. The writer in the *Sun* then quotes as follows the remarks of Commissioner Stephenson upon these facts:—

There is a systematic movement on the part of the European governments to dump their paupers on our soil. Since the protest on the part of our government in 1884, their movement has been conducted secretly, but not without success. Last year, according to the report of the commissioners of emigration, out of some 380,000 who landed at Castle Garden, only 501 were sent home, which is less than the number who were returned the preceding year. The commissioners did, however, pay the return fare of about 600 others, who, if they had remained, would have become a burden to the country. So far as Castle Garden is concerned, the country would be better off if it were wiped out of existence. Castle Garden is a cover. It is not as it used to be. Formerly the people had a chance to see what sort of emigrants were landing upon our shores, but to-day these emigrants are taken charge of by agents immediately on their arrival and sent to remote parts of the country. The people are not alive to the question, and the very clerks in the Garden are between two fires,—on the one hand, the presidents of the Irish Emigration Society and of the German Society of New York, each of whom has a full vote in the board, and, on the other hand, the State commissioners, whose duty it is to enforce the law. I think it is high time that the public should acquaint themselves with these facts.

I wrote to Commissioner Stephenson as to the truth of this newspaper statement, and he corroborated the whole of it. In his reply he said that he had been informed by a Pennsylvania congressman that, of the eighteen persons in jail in his county under indictment for murder, every one was an immigrant of the Slavic race. And he adds:—

Only a few days ago the grand jury of the county of New York made a presentation to the court of the overcrowded condition of our almshouse and insane asylum. Unless some national legislation is had to restrict indiscriminate emigration, the pauper class will accumulate faster than we can erect buildings to cover them.

The following clipping from a Western paper contains a fact cor-

roborated by the Castle Garden authorities: "The Castle Garden authorities have discovered that the Prisoners' Aid Society, of London, has been shipping convicts from England to Texas at the rate of one or two a week for several months." It would not be difficult for me to fill pages with opinions and evidence all tending in the same direction that I have indicated already. But on these facts and figures I am ready to rest my case, merely reviewing the ground we have passed over, and suggesting the only apparent remedy in a few plain and, to my mind, incontrovertible propositions. They are:—

1. That there is a relation between crime in America and immigration.
2. That the foreign population furnishes a prison population out of all proportion to its relation to the general population.
3. That the increase in crime has no more than tallied with the proportionate increase of immigration.
- Therefore, 4. That the crime increase is not due to an increase in the mere volume of immigrant population.
5. That certain nationalities are more conspicuously represented in the increase of crime than others.
6. That the Irish, Chinese, and Italian immigrants furnish a far larger percentage of prisoners than is their ratio to the general population.
7. That this indicates a special tendency to crime among the immigrants of these nationalities.
8. That this crime tendency is in conformity with the crime statistics of the nationalities named, elsewhere gathered and tabulated.
9. That the remedy is to be found, then, in rigidly restricting immigration from those countries which furnish a larger percentage of prisoners than their percentage of the general population; as, for example, Irish emigrants should have special restrictions put upon them until the 9.2 per cent. of the Irish prison population shall have fallen to 3.6 per cent., which is the proportion of the Irish-born to the general population.
10. That a precedent in this direction has already been established in the case of Chinese immigrants; and the Irish element of our population cannot complain, since it has not merely acquiesced in, but done much to originate and support, the movement for the prohibition of Chinese immigration.
11. That the dangers noticeable in the increase of actual foreign criminals are emphasized by the fact that there is a similarly appalling increase in the pauper, insane, and idiot classes, and that the figures as to ratios of nationality are much the same in all these indirectly crime-producing classes.

It must be remembered that we approach this subject simply

from the standpoint of penology. No fair-minded man can be insensible of the debt we owe to immigration, and especially to Irish immigration, in the development of our country's resources. The national interest still demands that we shall give welcome to any element that shall increase useful citizenship. We are not going contrary to the principles of our government when we protect ourselves against foreign criminals and foreign paupers, or against any class or nationality likely to produce criminals or paupers. With our present law such protection is not afforded. Legislation looking to more careful restriction has thus far been a failure. The Ford Investigating Committee reported a bill that called for an increase of the immigrant "head money" from 50 cents to \$5, and which required that the emigrant should produce a certificate from the United States consul nearest his place of residence, certifying to his good character and his general fitness to become a safe resident of the United States. This bill failed to become a law. It is said to have been defeated by the organized opposition of the two great foreign societies that dominate in the councils of the New York emigration commissioners. Had it become a law, these organizations by its various conditions would have been shorn of their influence in the commission, and of much political power out of it. As has not infrequently happened, the ends of national interest have been defeated by a factor that owes its existence and its influence to a single State. The defeat of this bill furnishes an additional reason why the whole matter of the control of immigration should be placed beyond the power of any State, and especially of any organization within a State. New York is the principal gate of entry for immigration; but it is a gateway that opens out to the prairies and to the Mississippi Valley. Ohio and Kansas and Minnesota have a right to demand that the sentinels placed there shall be placed in their interest. The country, with its crowded jails and prisons, has a right to demand that its safety shall not be imperilled for the sake of New York politics.

And what should be the course of legislation in all this matter? Manifestly, to put national wisdom and national power behind it all. In the shadow of the dangers we have seen, let us sit down and study for a moment the details of the law. We do not seek to reduce the volume of immigration: therefore, there can be little advantage in increasing the head money, certainly not beyond such a rate as will furnish ample funds for the expenses incurred in the regulation of immigration.

We do not want to keep out the Irish laborer who seeks in this land higher wages for hard work, which he is qualified to do and which he expects to do. He might find some difficulty in paying the \$5 head money, when the Irish thief would have no difficulty whatever in paying it. The only possible advantage that I see in the increased head money would be that it would sooner exhaust the various funds that now assist pauper emigration. What we most need is a thorough and systematic examination of every emigrant by our representatives abroad. Before granting a certificate of good character and correct and industrious habits, a thorough investigation by proper officers should be made. No person should be allowed to land here, with the intention of taking up his residence, until he has a certificate stating such intention, signed and filed, with proper vouchers as to its truth, three months before his date of sailing. This would give our consuls time to have his character properly investigated. To cover the expense of this investigation, I would have the intending emigrant deposit \$5, or some other sum to be agreed upon, with the consul, this sum to be forwarded to the immigration bureau of the government in America, and to be returned to the immigrant without interest on application one year after arrival here, provided that for that time he shall not have, in any sense or for a single moment, become a public charge. The honest laborer could easily command that sum, and the blameless, able-bodied pauper could borrow it from those who are now willing to assist him to leave. The forfeitures under this act would in a large degree pay the expenses, on this side the water, of caring for and returning the delinquents and crime class of immigrants. The proper investment of this enormous sum continuously flowing through the immigration bureau of the government would yield an income quite sufficient to care for those who become burdens upon our hospitality. The 500,000 annual immigrants would yield a sum of \$2,500,000 constantly on deposit with the authorities, which ought to yield at the lowest rates not less than \$100,000 a year of income. I do not think that we want any adult immigrant here who has not had the thrift to save \$5 from his earnings, or whose credit is not good enough to enable him to borrow it.

Here I must leave this most important question, by quoting once more from Senator Morrill's speech a single paragraph. It contains a sentiment that all patriotic Americans must indorse:—

We hold a tempting part of the world, and to those who come



with clean records, seeking to escape from the iron heels of foreign aristocracies or from the strangulation of a superabundant population, we leave our doors wide open ; but shall we not refuse hospitality to all classes of alien irreclaimable maniacs, mendicants, and miscreants? And may we not refuse to become a universal almsgiver on compulsion? Our countrymen must not be coerced to support the weak, vile, and hungry outcasts from hospitals, prisons, and poorhouses, landed here not only to stay themselves, but to transmit hereditary taints to the third and fourth generation.

## 5. THE DEAD HAND.

BY H. L. WAYLAND, D.D., OF PHILADELPHIA.

(Read Sept. 5, 1889.)

The question which I propose very briefly to discuss is, How far shall the men of to-day allow themselves to be held motionless in the dead hand of a former generation?

That there are no limits in the premises, that it is the right of a man to get all he can under the forms of law, and to use just as he will all that he has got, and to prescribe absolutely how his property shall be used for all time after his death,—these have been reckoned axioms. And (rather strangely perhaps) it has been reckoned (if there are degrees in axioms) that the longer a man has been dead, so much more axiomatic became his right to the absolute control of his possessions. It might be an open question (though not very open, only just ajar, as it were) as to the directions of a man who died yesterday; but, as to the will of a man who died ten centuries ago, all its requirements have been gaining added sacredness each year in geometrical progression. And if, perchance, the conditions go away back into the dark ages, especially if the name, or perchance the very personality, of the founder has been lost in the remoteness of antiquity, then there is a degree of sanctity attaching to the whole affair, such that he who ventures to make any inquiries as to the obligations of the trust has occasion to consider attentively the story of the men of Beth-she-mesh, who looked into the Ark of the Lord.

A woman left by will certain property "to be used in printing, publishing, and propagating the sacred writings of Joanna Southcote." Presently, the last member of the sect founded by Joanna died; but, for all that, the English courts held that the will must be carried out, and the property devoted through all time as prescribed by the testator. A man left a foundation, requiring that each year a sermon be preached in Norwich, Eng., to the Walloons, in Low Dutch. So each year a clergyman, who does not understand the language, commits to memory a sermon, and preaches it to bare walls.

I have taken these illustrations from "The Dead Hand," a collection of very able and striking essays and addresses "upon the subject of endowments and settlements of property," by Sir Arthur Hobhouse, now Lord Hobhouse. He gives many other instances in which the effect of foundations is not only nugatory and futile (as in the above cases), but in the highest degree hurtful. In 1793, George Jarvis left a large property to be spent in charity on the poor of three small parishes, with a total population of less than nine hundred. The result has been to induce in the people of the parishes thus cursed a habit of indolence, thriftlessness, and drunkenness, and to draw to the parishes a crowd of indolent vagabonds from every quarter, the pauper population increasing in thirty years sixty per cent. In many other instances where a bequest has been left to the poor of a town or village, the income has increased till there was ten times as much as could be wisely spent in charity in the village proposed; but the idle have been drawn thither, and thrown on the town, raising the poor rates and reducing the rate of wages. In one instance, the result of such a bequest was that one-thirteenth of the population had become paupers, equivalent to eighty-five thousand paupers in Philadelphia.

As bearing on the tendency of funds used for indiscriminate charity, Mr. Gladstone, in the House of Commons, in 1863, quoted from the report of the Poor Law Commissioners of 1834:

The places intended to be favored by large charities attract an undue proportion of the poorer classes, who, in the hope of trifling benefits to be obtained without labor, often linger in spots most unfavorable to the exercise of their industry. Poverty is thus not only collected, but created, in the very neighborhoods whence the benevolent founders have manifestly expected to make it disappear.

Of the worse than waste of money expended in indiscriminate charity, this Royal Commission, appointed to inquire into the working of the poor laws, reported:—

If twice the number of millions of pounds [collected for the poor rates] were cast into the sea annually, we might still be a moral, industrious, and flourishing people; but, if the whole of the poor rates could be raised without inconvenience,—if they were paid to us, for instance, as tribute by foreigners,—and were still applied as they are now, no excellence in our laws and institutions in other respects could save us from ultimate ruin.

In November, 1886, at Rochester, in Kent, Eng., I saw on the front of a staid and venerable-looking house a tablet bearing this inscription :—

“RICHARD WATT, Esq.  
By his will, dated 22 Aug. 1579,  
founded this Charity  
For six poor Travelers  
who, not being Rogues or Proctors,  
May receive gratis, for one night,  
Lodging, entertainment  
And fourpence each.”

The property, which, in the day of the late Mr. Watt, was waste moorland, has become valuable, and brings in an income of which only one-thirtieth is spent upon the “six poor Travelers”; but this thirtieth is enough to collect each evening a crowd of vagabonds, from among whom the proper authorities select six, who are housed and presented with fourpence each. The rest of the vagabonds, I suppose, are thrown on the town or on the charitable.

I chanced once to be in London at Easter. It was stated in the daily papers that, on that day, in one of the parishes of the city, a dozen poor old women receive each a shilling, on condition of picking it up with her lips off the grave of the founder. The struggles of the poor, decrepit, rheumatic creatures afforded no end of entertainment to the ingenuous youth of the vicinage.

Then there were the numberless bequests made on condition that each day, through all time, masses should be said for the soul of the founder. And in some instances, where the testator was a person of ardent piety and burning zeal, the will provided for an annual supply of fagots for the discouragement of religious eccentricity. These were representative instances. The number might be indefinitely multiplied from among the forty thousand foundations, called “charitable,” existing in Great Britain.

In these and similar cases, the English courts have held that the will of the founder must be carried out, unless it is physically impossible. Where a fund was left to ransom Christian captives taken by the Algerines, it is held that, as no such captives now exist, the money may be used for some kindred purpose. But, where it is physically possible, the will must be carried out, even if obvious harm ensue, and even though, in some instances, a literal carrying out defeats the very spirit and purpose of the will. I shall of course be reminded that Parliament is omnipotent

in these as in all matters which affect the people living within the four seas. But what prospect is there of gaining the ear of Parliament, already overwhelmed with imperial affairs? And who is going to undertake the labor and expense of bringing these abuses before Parliament?

Such are some of the results of the cultus which Lord Hobhouse calls "founder worship." What else was to be expected, if the matter were to be looked at in a dry light, if the question were regarded as open, if we were now to take it up as wholly new? It is a great obstacle to getting just views of almost anything that while with each generation there is an added volume of experience and material for a just judgment, yet there is also an added tendency to aberration. When we have become accustomed to anything, we regard it as belonging to the essential scheme of the universe. Nature does not more truly abhor a vacuum than does the human mind, which has inherited from the Fall a baleful conservatism, shrink from opening questions and from disturbing the moss of ages. But let us try for an instant to enjoy a novel sensation; let us use our reason; let imagination and sentiment and a misguided reverence for the dead enjoy a moment's repose.

What might we expect would be the effect of allowing the dead to rule through their bequests the coming generations? The men of the former days were liable to all the passions, all the selfishness, which pervade every age. A man in making his will may be influenced by spite, by vanity, by jealousy. Sometimes bequests which are called in law "charitable" are really the result of the meanest and most contemptible motives. A man who dare not assert his character during his life, who does not desire to arouse the contempt and hatred of those with whom he is living, will embalm his revenge or his animosity in his will, not to be brought to light until he has found a safe refuge under ground.

Mr. Thomas Nash, who seemingly failed to find a heaven in his home, bequeathed £50 a year to the bell-ringers in the Abbey Church, Bath, "on condition of their ringing on the whole peal of bells, with clappers muffled, various solemn and doleful changes, from eight in the morning to eight in the evening (with suitable intervals for refreshment), on the 14th of May in each year, being the anniversary of my wedding day; and also on every anniversary of the day of my decease to ring a grand bob major and merry, mirthful peals, unmuffled, during the same space of time, in joyful commemoration of my happy release from domestic tyranny and wretchedness."

It is absolutely certain that the testator will be ignorant of the needs and circumstances of the generations following him, as well as destitute of the new light which will, after his death, come to the world on every question. A man may leave property for the support of the poor in a certain town: in time, the town may lose its population. He may leave money for the support of a church in a certain place: in time, the church may no longer be needed there, but it may be urgently needed elsewhere. The population of the city of London was once numbered by hundreds of thousands. Now it is less than 75,000, and is decreasing. But the 106 parish churches have an income of £120,000 (\$600,000) to be spent on these 75,000 souls. In some instances there is absolutely no population in the bounds of the parish. The ground occupied by the Bank of England is, I believe, a parish, geographically.

In very many instances in our own older States, where was once a flourishing village now there is nothing. A friend has mentioned to me a village in Cayuga County, New York. Fifty years ago there was a thriving neighborhood, with stores, a blacksmith's shop, perhaps a grist-mill. Now, within a radius of half a mile, there are but two houses: all has vanished. If a fund had been left for the support of preaching in that locality, would not regard to the wishes and intent of the founder suggest that it be expended in the growing Western towns, where are to be found to-day the representatives of the villagers, the people who would have enjoyed the fund if they had chanced to remain at home?

The only thing absolutely certain in the premises is that the men of the former generations were less informed than we. But a living man may be instructed and influenced. With a dead man we cannot argue. Practically (so far as this world is concerned), "the dead know not anything." When we allow ourselves to be governed by the dead hand, when we worship the founders and the fathers, we worship those who knew less than we, who were liable to all our weaknesses, and who cannot be influenced by reason or enlightened by experience.

The late John Guy Vassar, of Poughkeepsie, N.Y., left \$180,000 to found an asylum exclusively for indigent orphans of Dutchess County. A careful search has revealed thus far in fifteen out of twenty townships only two orphans. Still, it is not impossible that, with such a motive before them, a sufficient number of orphans may qualify to consume the income of the bequest.

Two centuries ago some one left to the vicar and church wardens of the parish church at St. Ives, Huntingdon, England, a fund to be devoted to the purchase of Bibles, which, according to the will, were to be raffled for with dice in the church on each Whit-Tuesday. So this year, as previously, after a shortened form of evening prayer, the vicar delivered an address, in which he said that they were sorry to observe the custom, but it had been observed for two hundred years. A table covered with a white cloth was brought forward. Half a dozen boys and girls came, as their names were called, and each threw the dice, which were provided for the occasion. Each had three throws; and those who threw the highest numbers won the Bibles. The ceremony closed with a hymn and the benediction.

Consider foundations for the support of the teaching of a certain set of opinions, scientific, political, economical, or theological. Is there a thinking person who would be willing to be bound for all time to the precise opinions which he held twenty-five years ago? Who is there, who, if he had irrevocably provided twenty-five years ago for the teaching of these views, would not be sorry to-day? Why, then, should we desire to impose upon all coming time the views which we chance to hold on the day we make a will or bestow a foundation? And is there not a danger that, in making foundations for the support of a certain kind of teaching, we are setting a snare to consciences, and violating the precept that "no man set a stumbling-block or an occasion to fall in his brother's way"? Suppose that a man's living depends on his believing, or more properly on his *professing* to believe, certain things: is he not liable to profess what he has ceased to believe? or else is he not liable to exercise his ingenuity in getting a certain sense out of the enforced statement which it never was intended to bear?

In reply to all arguments against the permanent control of "The Dead Hand," the hearer replies with his wonted acuteness: "Granting all that you say, yet, after all, you do not reach the point. A man may or may not dispose of his property wisely; but, after all, it is his property. His right to it is absolute. We have no right to interfere with his disposing of it. Perhaps it would be wiser for him to sow wheat in his field than rye. But I have no right to interfere. 'Is it not lawful for him to do what he will with his own?'" But is it quite beyond argument that a man may do what he will with his own? Are there not a great

many things which a man may not do with his own? A man may not start a butt factory or a bone-boiling establishment next door to you. A man may not leave his estate to accumulate for an unlimited time.

I apprehend there is no right of absolute ownership. Each generation receives a great deal from the generation which precedes it: its possessions are a trust under the will of the past generation, to be transmitted to the generation following. Each generation is but a life-tenant. It has no fee-simple. And much of the value of the property held by the generation of to-day is really given by the generation which is to come. The railroad of to-day is valuable, largely because fifty years from to-day men will use it and will pay for the use of it. The bond due in 1939 owes half its value to the fact that the next generation will pay the coupons. We enriched the last generation (unconscious benefactors) before we were. The amount of gratitude due from each generation to the following, the sum of the debt we owe to posterity, has never been adequately considered. Still more, suppose that a founder of the last century left certain land for a certain purpose. That land derives all its present value from the labor of the men of to-day. Without this labor it would be valueless. Again, in an eminent degree all its *increase* in value comes from the labor of to-day. The land which went begging at \$2 an acre is now a bargain at \$5,000. Who created this increase?

"Shall I not do what I will with my own?" But is it your own after your death? When you die, then, so far as this world is concerned, you cease to exist. In a recent case tried in England before Mr. Justice Stephens, a man was charged with libelling a dead person. "But," said the judge, "to libel the dead is not an offence known to our law; for the dead have no rights and can suffer no wrongs." Why? Because they are non-existent, so far as this world is concerned. Can they then hold property and control it for all time? Certainly Lord Bacon denied the right of the dead to property when he said, "Defer not charities till death; for, certainly, if a man weigh it rightly, he that doeth so is rather liberal of another man's than of his own."

Property belongs absolutely neither to the dead nor to the living. Each generation in its turn has a *life interest* in all existent property, and is to use it according to its wisdom for its own benefit and that of the coming generation. The next generation in its turn is to enter on a life interest on the same terms. It seems



self-evident that a man's natural right of control over his property ceases with his life. Since, then, there is no *natural* right, the only right that survives the man must be a right granted by society. It is, then, certainly within the liberty of society to say within what limits and on what conditions it will grant such right.

The directions of those who have ceased from among us, as to property, are to be regarded in so far as they commend themselves to the better, more informed, wider, maturer judgment of the current generation. If a man wants to found a hospital, let him do so ; but not prescribe what treatment shall be observed. If he wants to help the poor, let him do so ; but let the method be subject to the light of to-morrow. Let not a man by entailing his property clog the prosperity of the future. If a man wants to do foolish and spiteful things, to impose on his wife and children humiliating conditions, let him do so during his lifetime, and face his deeds. Let him act, while he is (*presumably*) within the reach of reason and appeal. Let us try to use the property of the founder as he would desire if he were living now and had our light. Let us use it as he now desires to use it, if he has knowledge of what is taking place on earth. Let us save him from the pain of knowing that his property is being wasted, or worse.

But you say that, if these views prevail, if a man has to make his devises subject to revision by the next generation, men will not make devises. I am by no means sure of this. If a man is acting from spite or vanity, he may indeed shrink from having his conditions and bequests revised ; but, if he desires to do good, why should he not say, "I bequeath so and so for the treatment of the sick, according to the best methods which medical research may indicate from time to time ; I bequeath so and so in trust to such a board and their successors, for the teaching of the truths of the Bible, according to the best light which may be thrown on it with the advance of human knowledge and experience"?

But suppose that it should discourage the establishment of foundations of which the income should be enjoyed for all time ? Suppose a man should say : "I do not know what the next generation may do, so I will myself do what I want done. Instead of leaving money to educate one young man for all time, I will educate twenty now, and put the endowment in bodies and souls depending on these twenty to educate each twenty more. Instead of leaving money to sustain a preacher for all time, I will sustain ten or twenty as long as the money holds out. As to the coming

generations, I will leave them to themselves and God." Can money be put at a better interest than this? Is not \$100,000 worth more to the world to-day than \$5,000 a year (which will presently be \$4,000, then \$3,000 a year, with the declining rate of interest) through a long series of years in the future? Perhaps, in the effort to do this, a man might have to devote more time to *using* his money, and less time to multiplying it. Perhaps, if he knew that he could not dictate with absolute fixedness the future disposal of his money, one motive for unlimited accumulations would be removed. Perhaps if a man might not tie up his bequests to his children, and thus rule them from his grave, he would take time to train them so that they should govern themselves, thus leaving them less in hand, but more in head and heart.

It is wonderful how we allow ourselves to be cozened by words. We confound mould with sanctity. But, in fact, the presumption is that the longer a foundation has continued, so much the more abuses have crept in, and the further it is from what the founder would desire if he had our light, and the more urgently it demands a complete and radical shaking up. We talk solemnly of the piety of the founders. Whether a founder was pious or not is a question depending on his life, not on his bequests. If the bequests go very far back, they were probably the expression and the offspring of superstitious fear, were perhaps extorted by priestly threats. Augustine, the English saint who baptized ten thousand converts in the river Swale, is reported to have raised the ghost of a lord who had in life refused to pay his tithe, and who in consequence was then very unpleasantly situated, as a warning to those who were slack about tithes. No doubt similar processes were used to secure from dying men bequests to the Church. We are misled by the word "age" and its kindred word "antiquity." Since an aged man has more experience than a young man, and has presumably more wisdom, we fancy that the men of the former times are older and wiser than we of to-day. But, in fact, the men of a millennium ago were youths, were the inexperienced, were but toddling babes beside us of to-day. It is we who are the heirs of the wisdom and experience of all the ages.

The conclusion, then, which I reach is this: I do not by any means denounce all bequests and foundations: I simply assert my belief that all these should be subject to revision by the enlight-

ened judgment and experience of coming generations, and that any system which holds the present grasped by the dead hand of a former generation is a conspiracy against human liberty, human progress, human welfare.

#### DISCUSSION OF DR. WAYLAND'S PAPER.

The debate opened with the reading by the secretary, Mr. Sanborn, of a letter, which was introduced with the remark that a waiter from the neighborhood of Monticello, in recommending some Virginia claret to a guest, spoke of it as having been made on the land formerly owned by "old Colonel Jefferson of Albemarle." The person thus designated, said Mr. Sanborn, was one of those whose words on any subject would command attention, and who had several times expressed himself on this subject. He then read from a letter written by Thomas Jefferson to Thomas Earle, of Philadelphia, dated Monticello, Sept. 24, 1823:—

That our Creator made the earth for the use of the living, and not of the dead; that those who exist not can have no use nor rights in it, no authority or power over it; that one generation of men cannot foreclose or burden its use to another, which comes to it in their own right, and by the same divine beneficence; that a preceding generation cannot bind a succeeding one by its laws or contracts, these deriving their obligation from the will of the existing majority, and that majority being removed by death, another comes in its place, with a will equally free to make its own laws and contracts,—these are axioms so self-evident that no explanation can make them plainer; for he is not to be reasoned with who says that non-existence can control existence, or that nothing can move something. They are axioms, also, pregnant with salutary consequences. The laws of civil society, indeed, for the encouragement of industry, give the property of the parent to his family on his death, and, in most civilized countries, permit him to give it by testament to whom he pleases. And it is also found more convenient to suffer the laws to stand on our implied assent as if positively re-enacted, until the existing majority positively repeals them; but this does not lessen the right of that majority to repeal, whenever a change of circumstances or of will calls for it. Habit alone confounds civil practice with natural right.

Mr. Sanborn said that the occasion of this letter was the sending by Thomas Earle (who was a Philadelphia lawyer and an older brother of Dr. Pliny Earle, the veteran writer on insanity) to Thomas Jefferson of a pamphlet written by Mr. Earle, attacking the then recent Dartmouth College decision of Chief Justice Marshall. In his reply to the letter accompanying this pamphlet, "old Colonel Jefferson," then eighty years of age, reiterated certain well-known opinions of his, but had never condensed them into a form so concise as here.

MR. KINGSBURY.—I believe Mr. Jefferson is dead, is he not? (Great laughter.)

MR. SANBORN.—No doubt, but, as the stone-cutter's apprentice said on the tombstone of the shrill-voiced minister of his parish,

"Being dead, he yet *squeaketh*." Indeed, the voice of Mr. Jefferson, whether dead or alive, has a fuller tone than such a "nice derangement of epitaphs" would imply; and, where he compresses his argument into 'so small a compass as here, it is difficult to refute him. He believed that truth and good sense did not die with the utterer, but could be inherited without injury to any of the successors. As for bequests for religious uses, I will cite an authority which I am sure Mr. Kingsbury will not question,—Daniel Webster, arguing a will-case in Boston about 1823. Mr. Webster said that, when a Spanish grandee was dying, the priest stood at the foot of his bed, and said, "Is it your wish that all your estates in Andalusia should go to the Holy Church for the benefit of your soul?" The dying man bowed his head. "And is it your wish that all your estates in Castile should also go to the Holy Church?" The dying man bowed his head. At this point, the son of the dying testator thought it time to interpose. "Father, is it your wish that I should take your gold-headed cane and drive this priest out of the room?" The dying father bowed his head in token of assent; and it was done.

Rev. Dr. LAWSON, of Boston, was of the opinion that the number of foolish wills was not overestimated in the paper, and that the absurdities mentioned were appropriately cited: for people need something of that kind to open their eyes to the importance of necessary changes. He happened to be on a committee which received propositions for bequests to an educational institution, and he had seen a great many just as foolish as those quoted by Dr. Wayland. Dr. Lawson favored the idea of a man's giving away all the money he proposed to give during his lifetime, for then he could see that it was applied according to his wishes.

NOTE CONCERNING RICHARD WATTS.

As some injustice may be done to the memory of this good man, who meant well, whatever may be the result of his good intentions, we copy from the annals of Kent, and other sources, additional information concerning him:—

Mr. Richard Watts, of Rochester, in Kent, by his will dated Aug. 22, 1579, ordered: "That, after the marriage or death of his wife, his principal dwelling house, called *Satis*, on Bully-hill, with its appurtenances and his plate and household furniture, should be sold; and, after some legacies paid thereout, the residue should be placed out at interest by the mayor and citizens of Rochester, for the perpetual support of an almshouse then erected and standing near the Market cross in Rochester, and that there should be added thereto six rooms, with a chimney in each, for the comfort and abiding of the poor within the city; and that there should be made therein convenient places for six good matrices or flock beds, and other good and sufficient furniture for poor travellers or wayfaring men to lodge in, *being no common rogues nor proctors*,

for no longer time than one night, unless sickness should detain them; and that the above-mentioned poor folk dwelling therein should keep themselves sweet and neat, and behave themselves civilly to the said poor travellers, each of whom at their first coming in should have fourpence, and should warm themselves at the fire of the poor, dwelling in the said house, if need be."

One-fifth of this fund is now paid to St. Margaret's parish, and two-fifteenths to the parish of Stroud. The remaining two-thirds are in the use of the mayor and citizens of Rochester. In 1782 it amounted to near £500 a year. What is not needed for the almshouse or for the "poor travellers" is appropriated by the city of Rochester to their ordinary poor expenses. In 1771 the house was put in repair by the city. At that time the travellers were admitted there, and received lodging and entertainment according to the original design. In 1808 the travellers received their four groats each, on application to the mayor, but were not admitted into the house, as proposed. From Dickens's account, it appears that it was in 1855 administered as at first. For, although the inscription on the front of the house represents that they are entitled to entertainment *and* fourpence each, it is evident from the will itself that it was not intended that they should receive other food than what they could purchase, each with his fourpence.

The exclusion of *proctors* from the benefits of the will, together with persons known as common rogues, arose, it is said, from an experience of Mr. Watts, which gave him a strong prejudice against men in that line of the legal profession. He was travelling on the Continent and fell sick. He sent for a proctor, and directed him to make his will, which he did. Mr. Watts recovered, however, and, being able, therefore, to examine the will, found that the proctor had made over all the estates to himself, instead of giving them the direction intended. He thenceforward seems to have regarded proctors as *uncommon* rogues.

It will be observed that his dwelling-house bore the name of *Satis*. It gained this name on occasion of a visit from Queen Elizabeth. At her departure he apologized to her for the smallness and inconvenience of his house. She replied by the single word *Satis*, and this became the name of the residence. The mansion on its site still bears that name.—F. B. S.

## II. PAPERS OF THE EDUCATION DEPARTMENT.

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### I. INDUSTRIAL EDUCATION FOR THE DEFECTIVE CLASSES.

In the absence of President Scovel and Mr. H. G. Wadlin, the chairman and secretary of the Department of Education, who had arranged to bring forward reports and promote a discussion on Manual Training, Dr. E. M. Gallaudet, president of the Deaf-mute College at Washington, opened a debate on "Industrial Education for the Defective Classes," by speaking of the manual training now given in schools for the deaf and the blind. He said that, owing to the difficulty of getting employment for these classes, it is necessary to establish shops for their instruction and employment in the several schools. The deaf-mutes in this country are self-supporting in a larger proportion than those in a normal condition. The same can be said as to temperance, morality, etc. This is because every deaf-mute has a chance to learn a trade, whereas, under the restrictive rules of the Trades-union, this is hard for the normally endowed classes. Many of the deaf-mutes are prosperous. This fact has a strong bearing on the wisdom of giving industrial education in *all* our schools. In Europe, the industrial education of deaf-mutes has often included art instruction, with excellent results. In France there are two or three eminent deaf sculptors. Labor-saving machines have not interfered with this education. To the credit of the trades-unions, they do not oppose the entry of these persons into their handicrafts. If they learn a trade and do not like it, they can easily acquire another; for they have been taught to apply themselves. He thought that, if industrial schools were introduced in the public education system, the youth would do better than at present.

Gen. BRINKERHOFF.\*—The industrial employment of the insane both of women and of men, is a subject in which I have been very much interested for many years; and I am fully satisfied of its great value. In fact, the great advance in the care of the insane during the past ten years, which has resulted in the aboli-

\* For many years a member of the Ohio Board of State Charities.

tion of mechanical restraints in a large number of our State asylums, is due to the industrial employment of patients more than to all other causes combined. I have visited nearly all of the great asylums this side of the Rocky Mountains; and I always found the condition of the insane improved, *pari passu*, with their industrial employment.

I think the term *hygienic*, perhaps, is better than *industrial*; for the purpose of such employment is wholly hygienic, and not for profit; and yet, the more useful or profitable such employment is made, the better it is for the patient. In Ohio, where mechanical restraints are substantially eliminated from our State asylums, we have accomplished this result, in the main, by interesting our patients in some useful occupation. Of course, amusements are helpful; but industrial occupations are more helpful.

As a rule, it is found easier to interest male patients in active industries than female patients. At the Norristown Hospital, Pennsylvania, where seventy-five per cent. of the male patients are engaged in industrial employments, less than fifty of the female patients are thus occupied. One of the most successful institutions I have seen in the use of industrial occupations was the Hospital for Insane Criminals at Auburn, N.Y., lately under Dr. McDonald; but the patients were mostly men.

Probably the most successful asylum in this country, or in any other, in the industrial employment of the insane, is the Alabama Hospital at Tuskaloosa, under Dr. Peter Bryce; but, unlike other asylums, more females than males are thus employed. In fact, *ninety* per cent. of the female patients are engaged in industrial occupations, and *fifty* per cent. of male patients; and the beneficial results are correspondingly conspicuous. In order to be sure of my statements in this case, I recently wrote to Dr. Bryce; and, since my arrival at Saratoga, I have received his reply, which I will now read to you.

DR. BRYCE'S LETTER TO GENERAL BRINKERHOFF.

*My dear General*,—I am glad to learn from yours of the 17th inst., postmarked the 20th, that you may have something to say at the approaching Social Science meeting on "the training of insane women in domestic industry"; and I feel complimented that you should apply to me for facts and figures, with the pleasant affirmation that you think we are in advance of other hospitals in the employment of women.

There is nothing in the modern treatment of the insane of so

much importance as regular and congenial employment, especially where the principle of non-restraint is in operation. It takes rank, in my opinion, of all other remedial measures; and I would sooner dispense with both drugs and amusements than pretermit our round of daily occupation. Indeed, without regular systematic employment, it would be impossible to inaugurate a successful system of non-restraint; and the failure to appreciate this has been the cause of so many failures in that direction, and the reason, perhaps, of the tendency of late, on the part of English alienists, to depart from the teachings of Tuke at York and Conolly at Hanwell.

As you say, and as others who have visited our Hospital have said, notably the late Dr. W. B. Goldsmith and Rev. Fred. H. Wines, we furnish employment to a larger number of patients, perhaps, than any hospital, in this country at least; and Dr. Goldsmith assured me that he knew of but one hospital in Europe that excelled us in this respect. I do not exaggerate when I say that ninety per. cent of our women find regular daily occupation in the several departments of industry. Of our *five hundred* women, our regular daily reports show, in round numbers, that an average of *twenty* per cent. are engaged in knitting and embroidery; *ten* per cent. in carding cotton and wool and spinning; *fifteen* per cent. in laundry work (washing and ironing); *twenty* per cent. in sewing; *ten* per cent. (colored women) in gardening; and the remainder in general housework,—in the kitchen, dairy, on the wards, and in the several out-door departments.

It is a mistaken idea that the insane are unable to do good work, and do it regularly. Every class of the insane will furnish a large per cent. of work, even the acute cases, demented, and imbeciles. The trouble is in knowing how to get them interested, and this requires constant and judicious management and supervision on the part of the matron and nurses. The latter must take hold along with the patient, and by precept and example establish a sort of *esprit de corps* among those over whom they have charge. There should be, too, a system of rewards, among those who are disposed to lag behind, in the shape of special privileges, extra clothing, tea parties, etc. My matron understands this to perfection, and uses it to great advantage. Under this system, when fully established, new patients fall right into line; and it is no uncommon thing to see a patient who was brought here laboring under the most distressing form of acute melancholia, in a few days quietly engaged in sewing or knitting by the side of her companions.

To accomplish this, as I said, requires labor and constant watching, but it can be done, and effectually done; and, when it is done, the necessity for restraint of all kinds is measurably removed. For ten years past there has been no single occasion where manual restraint was necessary. Our patients do not "gouge their eyes out," as I hear others complain of; and, with a few extra nurses to look after the cases of acute mania, there need be little or no seclusion or isolation.

I have written hastily, and have not emphasized the importance



of work as I would desire. It is the *sine qua non*, the one thing needful, in the successful management and treatment of the insane, both men and women ; and we shall never succeed without restraint until we come to recognize the absolute necessity of regular and congenial employment of our patients.

Your friend truly,

P. BRYCE, *Supt.*

TUSKALOOSA, ALA., Aug. 26, 1889.

The General Secretary of the Association, Mr. F. B. Sanborn, who presided at this session, added that Dr. Bryce was a Southern gentleman, whose life-occupation had been the care of the insane, and that he had been the only superintendent of the only State Hospital in Alabama since its establishment before the Civil War. "At my last visit to Dr. Gray of the New York State Asylum at Utica, shortly before his death," added Mr. Sanborn, "Dr. Gray spoke with great satisfaction of a visit he had lately made at Dr. Bryce's hospital, and told me it was the best in the Southern States."

## TRAINING INSANE WOMEN IN DOMESTIC INDUSTRY.

BY MISS ALICE R. COOKE, OF SANDWICH, MASS.

(Read September 3, 1889.\*)

Before the reading of Miss Cooke's paper on this subject, the secretary, Mr. Sanborn, spoke in substance as follows:—

In the general interest now excited whenever Industrial Education is mentioned, it has seemed to me that the successful experiment of Miss Alice Cooke, in restoring to industrious habits insane persons who had become idle through the loss of mental power and the lack of mental direction, would be useful to this audience, if briefly narrated; and I have asked her to reduce to writing what she told me in conversation. This has been done; but, with characteristic modesty, Miss Cooke has dwelt little on herself, and therefore a few words are needed from me to give this account its proper introduction.

Miss Cooke is a young lady of Barnstable County, the former home of sea-captains and hardy sailors, descended from Puritan planters, and inheriting, as the women of Barnstable do, those qualities that insure success; a trained nurse, kindly, sensible, and firm, whose family circumstances made it needful that she should support herself, and yet remain at home. She therefore proposed to the State authorities, soon after they began in Massachusetts to place the chronic insane in private dwellings (under a law passed in 1885), that she should take three insane women to her mother's house in Sandwich, and maintain them there for the modest sum of \$3.25 a week for each woman. This proposition was gladly accepted by me in behalf of the State; and, nearly three years ago, three women were taken by Miss Cooke, with the understanding that, so long as her care of them was satisfactory, not less than three should always remain with her. These first three are those whose improvement she here describes. They have never left her home since she first took them there, in October, 1886, and nothing short of force would induce them to leave it.

To these three were afterward added two more, whose stay was shorter, and their improvement, though considerable, was less marked. About a year ago, for reasons not very creditable, but which I need not here specify, the State Board of Lunacy and Charity (which had taken these five women from a pauper asylum, where Miss Cooke first saw them) determined, contrary to law, to send them to the Tewksbury Almshouse. Miss Cooke declined to be any party to such an abuse of power, and, standing upon her

\* Read also at the New England Women's Club, Boston, Dec. 16, 1889.

legal rights and those of the poor women, kept them in her family, where these three still are. In so doing, she imitated the good Quakers of Sandwich, both men and women, who from 1650 to 1680 claimed and exercised the rights of conscience and the duty of protecting the oppressed, regardless of what governors and councillors might threaten or decree. Being unable to support so many at her own expense, and the State Board (who found no fault with her treatment of her wards, as indeed they could not) refusing to pay what they had agreed, Miss Cooke in April last gave up two of them, one to the care of a friend, the other to a hospital. The other three were legally placed under her guardianship by the Probate Court of Barnstable County last June. She declares that she can never permit them to enter an almshouse; and she is a person so resolute that I believe she never will. For the past year she has supported four insane women (and most of the time a fifth) at her own cost, with only such aid as their labor and the friendly interest of others, who saw what she was doing, could furnish. The State authorities, who are legally and morally bound to support them all, have paid her nothing since Oct. 1, 1888. She will go before the next legislature with a statement of her case, and it is to be presumed she will obtain that justice which Massachusetts never long denies to her sons, and will ultimately render to her daughters.

In my opinion, she deserves something more. She merits the thanks of the public for teaching us, in visible results, how much can be done by home training and affectionate authority to light up the darkened mind, revive decayed intelligence, and restore disused powers. From that grave of human hopes and life's possibilities which incurable insanity must be, Miss Cooke has bidden these shrouded figures—once your sisters, and always hers—arise and come forth. They heard her voice, they took her outstretched hand; and behold them once more in active, useful life! Other persons, bearing the State's commission,—some of them, I am ashamed to say, were women,—strove with might and main to imprison them once more in the purgatorial wretchedness of an almshouse. But this little woman, like the "blameless man" in Scripture, "made haste and stood forth to defend them, and, bringing the shield of her proper ministry, set herself against the wrath, and so brought the calamity to an end, declaring she was Thy servant."\* Whether it was right for her to hearken unto men more than unto God, judge ye!

\* Wisdom of Solomon, xviii. 21.

#### FAMILY CARE FOR THE INSANE.—MISS COOKE.

With many insane persons, in certain stages of their malady, and with some at all stages, asylum-life, or the care and restraints of a hospital, are quite necessary. But there are others for whom the asylum long since did all that it could in the way of benefit, and upon whom the monotonous life, the absence of affectionate interest, and other circumstances existing in most asylums, exercise an unfavorable influence, and lead to negligence, indifference, or despair.

The patients I am now to describe came to me in October, 1886, and have been with me ever since. They had all been in asylums for at least five years, and one of them much longer than that. All were Irishwomen. The youngest is not more than thirty-seven now, the oldest perhaps above sixty.

The first (Jane W., aged thirty-seven) was a case of dementia following melancholia, with delusions. Her habits were unneat and disorderly; she talked incessantly to herself, would sit in one position for hours, scowling and muttering, often tearing her hair, and sometimes becoming wildly excited and violent in appearance, venting her mania upon the thing nearest at hand. She talked nights, and had but slight ideas of work, and how it should be done. She was very forgetful, needing to be told every day to bathe, comb her hair, and change her dress. After preparing the potatoes for dinner one day, not long after her arrival, we found she had put them into the tea-kettle to boil; and she made other mistakes quite as odd. She would take a pan off the hot stove and set it in her lap, on her dress or apron, just as it happened. One of her peculiarities was to run and hide if a stranger entered the house, complaining that her head was open, and she was in no condition to be seen. This idea has, however, entirely disappeared; and she will see and talk with people freely and rationally, and will even go to strangers' houses on errands, and take pleasure in doing so.

She has now, after two years, so far recovered as to be almost entirely well; and a melancholy day is unknown. She is extremely neat and orderly, keeping her clothes nicely mended, and

making all articles of dress for herself, with very little assistance in cutting and fitting. She is an excellent laundress, and exceedingly neat help in the kitchen ; a cheerful and willing worker at all times, and has a most affectionate and lovable disposition ; sings Irish songs about her work, and makes witty remarks, keeping others in good humor. Lately, she has taken nearly all the care of planting and tending a large garden, and has done it well. She has grown strong and robust, thoughtful and practical. Kindness and merited praise have done much towards this improvement ; and, but for an occasional desire to talk to herself, we should consider her recovery assured. Lately, having more spare time to devote to Jane, I have broken her of this habit of talking to herself. She takes instruction bravely, in this and other matters. Of course, I have to speak to her now and then, when she forgets ; but she seldom falls into the habit now.

The second woman, Katie M., more than twenty years older than Jane, was (and is) a case of chronic mania. She seldom spoke intelligibly or intelligently, but talked incessantly and incoherently, often in high and excited tones, *never* smiling. She was up nights, more or less, talking much ; took little interest in anything or anybody, and was so oblivious to her surroundings that she would not notice if any one knocked at the door, or a stranger entered the room, and would not reply when spoken to, unless one went close to her and attracted her attention by calling her by her full name. Now, she hastens to answer a rap at the door, and delivers any message quickly and accurately. If we go away, she extends her hand, and rationally bids us "good-by," and hopes we will have a pleasant journey. She expresses her pleasure when we return, saying, "Welcome home" ; asks us many questions as to our visit, where we went, and what we saw.

When she came to me, she worked very slowly, so that, in fact, it would take her all the morning to sweep and dust an ordinary room, so often did she stop to wring her hands and talk to herself or imaginary persons. She now works quickly and rationally, and interests herself in all the minor details of housework. She takes sole charge of a large stock of poultry, and keeps account of the number of eggs laid daily. She is a nice laundress and good housekeeper ; makes, but does not bake, all the bread for a large family, never making a mistake in the ingredients or quantities. She recollects what days in the week to wash, iron, sweep, or clean, and goes about her duties without being reminded of them, and

without the slightest supervision. She has all the care of the dining-room, arranging the table and changing the linen, and waits upon the table quietly and systematically. She has, therefore, gained remarkably, both mentally and physically; makes all her own clothes, and is a pattern of neatness and order. It is doubtful if Katie can ever be broken of her habit of talking to herself; but she no longer does it when waiting on our table. She does not realize it is *herself* talking, but fancies some one is replying to her; and it would make her very unhappy to keep quiet all the time. Her voice is low and pleasant, and does not disturb us at table; but it is a great step for her to cease her imaginary conversation at that time. Love and kindness have been the only means of training her.


The third patient (Maggie D.) was a case of dementia with delusions. She exhibited high temper and obstinacy, and talked more or less to herself; was extremely careless of her appearance, with unkempt hair, and an offensive catarrhal cough. She was then a constitutional grumbler and fault-finder; now she is nearly always cheerful and obedient, and often sings to the others when she sits down with her work in the afternoon. She is very active, and does her work well; indeed, she does more work and faster than either of her fellow patients. She is a good laundress, chamber-maid, and seamstress, takes pride in her dress, and is neat and orderly. She coughs only occasionally, and is greatly improved in health, looks, and intellect. The mode of treatment in her case has been entirely the reverse of the former two; for, the more kindly and affectionately she was treated, the more impertinent she became. Nothing but firmness and severity was found to be effectual; but she is now obedient. Her punishments have always been slight, the most severe being to take off her clothes and go to bed in the day-time, which she greatly dislikes to do.

Of their own accord, these three women all through the year have kept our table well supplied with fresh bouquets of various kinds of wild-flowers in their season. They have often come home, after roaming through lane and field, their baskets filled with berries or fruit, and their arms laden with vines or choice woodland flowers and ferns, with which to bedeck the house. No little blossom or curious variety of grass escaped their keen eyes; and every vase, pitcher, and old bottle became a rude receptacle for gorgeous cardinal flowers or dainty forget-me-nots, prettily arranged with feathery grasses or delicate ferns. A row of these

varied bouquets may always be found in the window-seat, on the tables, mantels, and even the beams in the unfinished back room, where they do many household tasks in the summer. Great clusters of daisies, dandelions, buttercups, and grasses are piled up in corners of the room or hung over a doorway or picture; and, from the peeping forth of the first little violet in the spring to the last drooping head of brilliant golden-rod in the fall, do these poor but happy creatures keep the house supplied with flowers. When even these are gone, they gather the crisp, delicate bunches of the old-fashioned "everlasting" with which to adorn their rooms. Such delight do they take in their little strolls that they are allowed to go without attendance, whenever they wish; and many a wild grape-vine have they found loaded with luscious fruit, both purple and white, or else a bush of especially fine "beach plums," besides blackberries and huckleberries in abundance.

Then, when occasion requires, we send them to a post-office a mile and a half distant, with letters or papers to mail. They go alone or together, just as it happens, drop the letters in the box, and walk home as sedately and quietly as anybody, well pleased with their three-mile walk.

Katie M., the most demented of the three, who seldom spoke intelligibly when I took her from the Tewksbury asylum, has so much improved as to read a story from a newspaper, repeat it in detail, and laugh and chat over it with the others. Lately she has sung songs, verse after verse, which we did not suppose she knew. They often read to themselves or aloud, and then debate the subject together, correctly and intelligently. On Sunday, they read the Bible, catechise each other, say their prayers, and conduct themselves in every way suitable to the day, which they recognize without being told that it is Sunday. They are such care-takers that every night, before retiring, they see that baskets of kindling for the morning's fire, coal-hods, and water-buckets, are freshly filled; dish-pans hung in a shining row, towels cleanly washed, rinsed, and hung smoothly to dry; and that everything is in *perfect* order and neatness. Lastly, before saying "good-night," they go about the lower part of the house, from kitchen to wood-room, and securely fasten all the doors. Two or three times, when they had forgotten one or more, they have recollected it ere falling asleep, and have never failed to run downstairs and make all fast. Being now in good bodily health, they sleep well, and rise smiling and



happy in the morning. In every conceivable way do they help us in our housekeeping. They are skilful in dressing fowls, for instance, and thoroughly cleaning them preparatory to cooking, and they are never so happy as when they can relieve us of any work. Often, indeed, have they expressed the wish that they could do it *all*, so that we "might always be dressed up and sit in the parlor."

Such is the willingness and faithfulness of these, our three insane treasures. It is almost an unheard-of thing for them to quarrel. They go about their work quietly and systematically, using their intellects in a marked degree, and assisting each other when occasion requires. As I have said, they chat, sing, and read together, go to walk alone or together, and go on errands. They can be trusted in all things, and are great care-takers; could "run the house" for a time, if necessary, being very careful about wood fires, and knowing how to make and tend them. Such a marked change in them all, from their unhappy and disorderly condition of less than three years ago, is, of course, extremely gratifying, but is only a fair example of what quiet, cheerful, and kindly home life will do for the poor insane of the chronic class.

These results must appear remarkable to some; but a person unacquainted with asylum life can hardly realize the many and varied benefits secured by placing the chronic and quiet insane in private families. Those who have the care of them in hospitals agree that the noise and confusion, the quarrels and violent outbreaks of the patients, are a severe strain upon *their own* nerves and mental faculties. If this is the case,—and I know by experience that it is,—what must be the effect upon those unfortunates whose brains are already diseased? In nine cases out of ten, their ambition and interest perish, their intellects become weaker, and they drift into hopeless derangement; and not only is this death to the intellect, but in the majority of cases a long, tedious wearing out of the bodies. Aside from the evil wrought upon the weakened brain, asylum life has an injurious effect upon the bodily health, since it is almost impossible to secure perfect ventilation in the large hospitals; and the foul particles of air are transmitted to the system of healthy patients, thus causing offensive nasal, lung, and stomach diseases that are difficult to eradicate, and often become chronic. Then the noise and disturbances during the day, caused by interfering and annoying patients, are only partially arrested during the night; and the poor



creature that so much needs quiet and rest is oftentimes kept awake by the screaming, singing, cursing, and jabbering of the more noisy ones. How is it possible under such circumstances for them to improve, and be cheerful and happy?

In the private family, all this is different, or ought to be; and, amidst more natural and wholesome surroundings, a new educational process begins. Step by step, as their minds become clearer, they take up the thread of life, and learn again the little duties that have so long been forgotten, until, by patient and carefully selected tasks, congenial to their different tastes, they have become interested, when they will of themselves finish the work begun by another. Thus it is an industrial education which those poor women have received, and by it they have regained the power of self-support which their insanity had deprived them of. As an experiment in the line of industrial training, it is worth considering, especially if girls are to be trained in domestic industries, and made good, practical housekeepers or servants. What has been done with these middle-aged women, of weakened mental powers, ought to be accomplished more easily with healthy and intelligent young women.

#### DISCUSSION OF MISS COOKE'S PAPER.

Gen. BRINKERHOFF.—That Miss Cooke's experience is fully corroborated wherever industrial employments have been fairly tested, I have no doubt; and I believe that progress in the future is in this direction more than in any other.

Dr. LUCY M. HALL, formerly physician and superintendent of the Reformatory Prison for Women at Sherborn, Mass., said: I found at Sherborn that the inmates had not learned any work. The first thing in their reformation was to teach them to do something, to be thrifty. The best hospitals have laid aside the mechanical restraint of the insane. I have not found any benefit from chemical restraint. Unless we are employed, we might all become insane.

Mr. F. J. KINGSBURY was surprised that employment had not been tried before in the treatment of the insane. He cited the fact that in Connecticut, previous to 1866, there was no provision for the insane poor in asylums, and that they were fairly well behaved when kept employed about their respective homes.

Mr. FITTS, of Tuscaloosa, said it was from necessity that Dr. Bryce discovered the benefits of employment for the insane. They had to work during the Civil War, and thus the system had grown up.

Dr. J. P. BANCROFT, of Concord, N.H., said that employment had been gradually introduced for years. He was not prepared en-

tirely to give up mechanical restraints in treating patients. There are some cases that demand its use. But where occupation can be had, and the insane can be steadily employed, there is little need of mechanical, or what has been called "chemical," restraint.

Dr. LOUISE FISK BRYSON said that, to be successful, the employment must be suited to the characteristics and tastes of the patient.

Mr. JONES, of Chicago, said: After I had travelled over this country and much of Europe and Asia, I had to go down into the Barbary States to find anywhere an asylum for the insane that was as bad and inhuman as some in our own counties in Illinois.

He had been a Commissioner of Cook County, Illinois, having charge of the insane; and he thought that mechanical restraints were necessary at times. The public were too ready to condemn the insane asylum methods.

#### ADDITIONAL TESTIMONY.

Soon after the discussion at Saratoga, the National Conference of Charities, in session at San Francisco, discussed the same question of family care and domestic employment for the insane; and some of the remarks made bear so closely on our subject that they may here be quoted.

Dr. C. I. FISHER, superintendent and physician of the Tewksbury Almshouse and Asylum for the Insane, said (Sept. 16, 1889):—

At the State Almshouse in Massachusetts, we have 350 insane patients of the chronic class: 300 of them are women. Within the past two or three years there has been adopted a plan for boarding out, by which some of these have been put into families, the State paying three dollars and a quarter a week for their board. We sent out about sixty women. It was my fortune to know the condition and progress of some of them intimately; and I believe that for those patients who have become quiet, in whom the acute stages are past and they have come into a condition of dementia, their prospects are better, and they are much more likely to improve under the influences of family life than in the institutions where large numbers are gathered together on the congregate plan. The public have very erroneous ideas in regard to the insane. The popular idea is that they are maniacs, utterly dangerous in a home. But those of us who are familiar with the subject realize that many are more like children in mind, that they are not maniacs, that they can be safely taken into our homes, and that in these homes they will receive individual attention and teaching, as we teach children, and that they may gradually develop and become better able to take care of themselves and to be helpful than if they were left in the asylum or hospital. I remember some persons, living far away from any city in a farm-

ing community, asked me about taking boarders; and I suggested that they take the insane. They lifted up their hands in horror at the suggestion. "Very well," I said, "come down and see me, and perhaps you can pick out some one." The experiment was tried. They took one, and then another, and they became interested in their wards, and the patients soon became helpful. They learned to wash dishes, make beds, and to do plain sewing. It is this individual attention which develops them faster than can be done in the asylum. We who have charge of institutions realize that the average insane attendant is quite desirous of getting her living "in the line of the least resistance," and that she will educate patients to do a certain amount of her work if she can. When my assistants knew that I was about to send out patients, they objected to having those whom they had trained sent; but the patients went. Then I observed that the attendants picked out other patients and devoted their attention to them individually, that they might train them to do the work of those sent out. So I considered the reaction of this system as beneficial to the institution. The activities and energy of the attendants were roused in the process, educating patients up to a degree of helpfulness; and they did not fully relapse into the state of indifference in which they were before. So I have been willing and glad to put out my best patients to board, believing that it was better for the patient to receive the kindly care of the family, and better for the institution. Of course, great care must be exercised in selecting the family into which these patients go. There will be those who regard only the loaves and fishes, hoping to get work out of their boarders, and will overwork them. The families who take these patients must be watched over by supervising boards as carefully as those in which neglected children are placed. But I cannot but believe that there will be more and more of these unfortunate people who will be put into homes, where they will receive the help of the family life and will develop into conditions of helpfulness, and that many eventually will be kept free of expense, the State still holding supervision over them.

Prof. A. O. WRIGHT, of Madison, Wis., secretary of the Wisconsin State Board of Charities, describing the County Asylums of Wisconsin, in the same discussion, said:—

Broken down, old, crippled, blind, and demented persons, all unable to work, make up about ten or fifteen per cent. of the asylum inmates. We have about 75 per cent. at some occupation; and that, we think, is a good record. If some of our superintendents had more enterprise and more faith, we could get a better average. The best asylums have from 85 to 95 per cent. at some occupation; that is to say, every inmate capable of doing any work does some work. About half of the inmates are busy all day. I do not mean to say that their work is worth much pecuniarily. There are some whose work is worth as much as

that of a sane person, however. We encourage our superintendents to bring up the laboring capacity of these insane people, not for the sake of getting work out of them, but to keep the inmates employed. We have in many cases a crude system of manual training. In some, we have been able to train back the intelligence through this manual training. An attendant will take an entirely demented person by the hand, and clasp the hand over some tool, and then move the hand round to do the work. It may be something as simple as dish-washing. She will teach her to hold the dish, without dropping it, in one hand, and the cloth in the other. By patience and steady teaching, the patient will learn the operation, and with this activity of the body comes back, little by little, the lost intelligence. We have had a great many cases of that kind.

The recoveries of the chronic insane are few; but the improvement in their condition and in their happiness is marked under this system, and many are so far improved that they can go home, and all are more content than they ever were before. We claim that taking the chronic insane out of the hospitals leaves the superintendent more time to attend to the acute and recent cases. We claim, also, that it is more economical and natural to transfer these people to farm life. We think that the money that is usually spent on large fine buildings can be better spent in caring for the patients. In many Eastern States, a portion of the insane are cared for at great expense in State hospitals, and another large portion are cared for improperly in jails and poorhouses. The same amount of money used more economically would care for all the insane; and that is what we are doing. When we say that the cost of our insane averages about \$1.75 a week, gentlemen from other States say that we are not doing it properly; but leaders in this Conference who have visited our institutions have satisfied themselves that this is not a false, but a true economy. The economy comes in the fact of having more land and a larger amount of labor from the insane, and that we raise a large part of what we use. Our bills for fuel, meat, and vegetables are small, because we raise them all. We are asked if we have physicians for superintendents. No: we would rather not have them. Good physicians cost too much, and poor ones are worse than none at all. We have visiting physicians, the best in the neighborhood, who visit regularly, who are the health officers of the institution and advisers in regard to the treatment of the insane. Our superintendents are from the best class of farmers. Salaries range from eight to thirteen hundred dollars, including board for themselves and families. We try to secure the services of good farmers and their wives; and the wives are often the better of the two. We say to the county officers, In selecting a superintendent, see what kind of a wife he has. If you can find a good woman, and the man is tolerable, that will do. The woman has charge of the interests of the house. She has the home life in her hands, and that is the most important part.

Dr. WILKINS, superintendent of a California Asylum for the Insane at Napa, said:—

I may say a word about placing the insane in families. I visited Gheel with great interest, where we find, perhaps, the perfection of the family system. About 1,100 insane are boarded in that community. About 800 families take boarders. They receive a franc a day for each patient kept by them. Most of the families take but one patient, a few two, but four is the limit that any one can take. In Scotland they have undertaken this to a limited extent; and, when I was there, I was taken by the commissioners for an entire day round to see the different families where these people were boarded. In each place, I think, the plan was working admirably. But in the report which I made on my return to California (and commended this system) I expressed the opinion that the difficulty in this country would be to find persons who were willing to take charge of the insane, even for the compensation paid by the State in caring for them in the asylum. We have encouraged relatives and friends to take patients from the asylum. I have never objected to having a patient taken out that I thought was harmless. We have encouraged them to go out on trial, on leave of absence. There is a great prejudice in this State against the insane. A few miles from here a board of supervisors passed an ordinance concerning a private asylum that was to be built in that neighborhood, that it should be surrounded by an eight-foot brick wall with guards, and that no insane person should be allowed to go out without an attendant. That is the kind of prejudice we have to meet, and it will take time to overcome that. In Massachusetts, more people are willing to take these people for a small consideration. The older the community and the denser the population, the more readily you will find homes for them. Perhaps the plan of Mr. Wright might help to overcome this prejudice. I have never been in favor of large asylums. One great difficulty here is that people are too ready to send their friends to insane asylums. We have people who bring friends who are perfectly harmless, but who are a little troublesome at home. Many of our patients could go home if they had some one there to look after them. We have adopted the cottage system in connection with our institution at Napa, and I hope to extend it. The people are raising small fruits, cultivating the land, and are employed usefully. Employment is the great thing in their care.

## 2. POPULAR FALLACIES IN REGARD TO INSANITY AND THE INSANE.

BY DR. PLINY EARLE, NORTHAMPTON, MASS.

(Read Sept. 4, 1889.)

Although it is impossible to demonstrate it as a fact, yet all the known data bearing upon the subject very clearly lead to the inference that insanity in the United States is increasing, not merely absolutely, in correspondence with the increase of population, but relatively, as compared with the number of inhabitants. Fifty years ago, the writers upon the subject placed the ratio of the insane to the whole population, in Massachusetts, at one in a thousand. In the last national census, it is shown that in 1880 there was one insane person in each three hundred and forty-three of the population of the State. Had the ratio of fifty years ago been derived from a census as carefully taken as that of 1880, it might be assumed as a demonstrated proposition that insanity had increased nearly threefold within the last half-century. But that first-mentioned ratio was a mere estimate, based upon very imperfect, insufficient, and, doubtless, often indefinite or inaccurate data, and hence unworthy of reliance as a truthful standard for comparison.

But, under existing circumstances, even the present number of the insane in the Commonwealth do not constitute a class sufficiently large to enable the people to become acquainted with their characters, peculiarities, habits, and propensities, both mental and physical, as compared or contrasted with those of that portion of the inhabitants who, by common consent, are regarded as sane. Nearly three-fourths of them are in hospitals, and a large part of the remaining fourth in almshouses and other places of detention or surveillance, where they are withdrawn from general observation. Hence the present generation is probably less acquainted with their characteristics than were the people of seventy-five years ago, before the special institutions for their care had been called into existence, and they were allowed, to a much larger extent than at present, to associate or to mingle with the general population. As

a necessary consequence of this state of things, the public mind is incapable of so far comprehending the nature of mental disorder as to be able to discriminate between the probable and the improbable in relation to the conduct and the language of the insane, or even the physical peculiarities which have sometimes been attributed to them. The disorder,—not to say “disease,” inasmuch as disease implies the possibility of death,—in its essential nature, and even in its relation to the conduct and the practical ability of those who are afflicted with it, is an ever abundant and an inexplicable mystery to persons who are constantly surrounded by it, and who are consequently better informed than any others in regard to it. How much more so must it be to those who have had little or no opportunity to become acquainted, by personal observation, with its manifestations! Still clinging to the traditional idea of a mad-house, which, as far back as the time of Hogarth, and probably very much farther, was derived from that class of patients who were the most insane, and the most demonstrative in both language and eccentricity or violence of conduct, they couple with it the mistaken, though perhaps logical notion, that all the insane are so distorted in mind and perverted in body that they constitute a class of beings almost as widely separated from the average of mankind as if they did not belong to the same genus or race. With what facility, then, may errors in regard to them find a place in the public mind! Having little or no positive knowledge of them, fancy, imagination, and the love of the marvellous are left free to supply the place of such knowledge.

I have been led into this train of reflection by the perusal of some memoranda of popular errors entered in a commonplace book upon my office table, to which I shall give here a passing notice. It is not proposed to enter at large upon the subject, to point out all the contrasts between the popular impressions in regard to the insane and those opinions which are the results of long intercourse with them. Such a course would involve too much time and space. A glance at a few of the most prominent alone can here be permitted.

Perhaps no one point in the general belief in regard to the inmates of the institutions for the insane is more widely prevalent than that they are unhappy, wretched, miserable. In reference to a very few and wholly exceptional cases, this is, to a certain extent, true. But farther than that it is untrue. And the same may be said of any class or collection of human beings, wherever situated

and in what mental condition soever they may be. It has been my lot to be connected with each of five such institutions sufficiently long to become acquainted with its patients; and, judging from the experience thus obtained, and writing not thoughtlessly nor hastily, but with all due deliberation, it is my opinion that, if a lasso were thrown around the first four hundred and seventy-six adults who might be met at any time upon the sidewalks of Northampton, or any other city, the amount of unhappiness drawn together in its coil would be as great as exists among the four hundred and seventy-six patients to-day, or the same number any other day, within the walls of this hospital.\* I do not forget, but am most free to acknowledge, that the worst wards of a hospital of this kind present a sad spectacle, even to persons familiarized with it,—a very sad spectacle to any one to whom it is an unaccustomed sight. But this aspect is the consequence of mental impairment and bodily deterioration, and is no evidence of unhappiness on the part of the patients. The observer derives his judgment from his own feelings and emotions, not from the mental and moral condition of the persons around him, which, particularly if he be a casual visitor, he cannot accurately know. It is, indeed, true that among the inmates of a hospital one may hear more expressions indicative of unhappiness than among the same number of sane persons. The latter are like boilers in which the steam is repressed, subjected to control, and generally used only as dictated by prudence and good judgment; while the former, like the open, boiling pot, permit the generated steam to rise directly to the surface, in bubbles, and immediately pass away. There is a basis of truth for the old saying that the only difference between a sane and an insane man is that the latter speaks what he thinks, while the former does not. It is the same, let it be remembered, in regard to feeling and emotion. The insane permit them, untrammelled, at once to appear in expression: the sane reduce them to restraint and condemn them to concealment, either temporary or perpetual.

Among the classes of the insane of which the subjects most painfully and depressingly impress the inexperienced observer are the melancholiacs, some of whom are continually uttering expressions of self-condemnation for acts or "sins" of either commission or of omission, and not infrequently of both. In language, in tone of

\*This was written in 1885, when the writer was still in charge of the State Lunatic Hospital at Northampton, Mass.



speech, in facial expression, and in general appearance, they sometimes seem to embody all that goes to make up the sum of the extreme of human mental wretchedness and suffering. And yet, with a no inconsiderable part of these, all this outside show of misery is simply habit, to which anything like real feeling is an utter stranger. No person could long survive the reality of their apparently intense suffering. But their health is not impaired by it. There are some who even thrive upon it. At meals they will stop their moanings and complaints and pay as ample a compliment as any one to palatable food. At night they will retire and sleep as soundly as the healthy but wearied laborer until morning. But, when the meal is finished and the morning comes, they rise only to return to their habitual utterances of apparent woe. I repeat that all this external show of sorrow is, in many instances, nothing more nor less than a morbid habit, which has become essentially automatic, and is no more the indication of actual and profound affliction than the word "eschec," uttered through a mechanical contrivance by Maelzel's celebrated chess-player, was the indication and evidence of an adequate intellectual comprehension, by that automaton, of the signification of what it uttered. It is from cases like these that the general character of the insane is too often judged.

It is a frequent remark that, to an insane person, his delusions are realities. This is undeniably true, so far as his mental impression of the subject, or object, of that delusion, and his belief in it, are concerned. But the effect of that delusion upon the conduct and the physical condition of him who has it is often far from being identical with that which must necessarily be produced, could that subjective delusion become an objective reality. The delusion, as a delusion, is a reality; but it has not the force of a substantive or absolute reality. No proposition in Euclid is more positively demonstrated than is this, by the cases just mentioned. The same holds good with another class, one of which is the subject of the following sketch.

A female now in the hospital\* often tells visitors that she has millions and billions of children "up in the canopy,"—an imaginary apartment of the house,—and that persons are constantly engaged in murdering them. This is with her a "fixed idea," a permanent delusion. It had possession of her at the time of her

\* Since 1885, resident in a private family, being one of the first of those boarded out in Massachusetts.

admission in 1858, and probably some years before, as she was brought from another hospital. Yet this woman is always quiet and gentle, makes no outward show of grief or unhappiness, and never attempts to force or find her way into the presence of her imaginary children. She is a perfect pattern of industry, and has good judgment in her work. For twenty-seven years she has been the best ironer of starched linen in the laundry, and until recently has worked more hours in the year than any other person in the house. It is needless for me to attempt to depict the immediate effect, or the more remote consequences, upon any *sane* mother who had positive knowledge that her children were being murdered.

Even raving and destructive maniacs, how much soever their condition is to be deplored, are not in themselves generally unhappy, but, on the contrary, in many cases happier than in their normal condition. Their very violence is the reflex of a mental exaltation very similar to, if not identical with, that which is produced by intoxicating drinks, opium, and other narcotic drugs, and the nitrous oxide, or "laughing gas." \* I was once very forcibly impressed by a remark of a patient who for many years was subject to paroxysms of the most violent mania, with intervals, sometimes long, of apparently perfect mental health. He had just come out of one of these paroxysms when I congratulated him upon his restoration. So far from sympathizing with me in gladness, he looked up, with a very sad expression of countenance, as he replied, "Ah, doctor, *that* is the happiest part of my life."

The insane themselves have no special relish for the idea that they are regarded as unhappy or "miserable." As a rule, they repel it. When in charge of the Bloomingdale Asylum in New York, I one day accompanied two ladies through some of the wards in the department for females. One of them met each patient with a cheerful smile, had a pleasant or agreeable remark for each, and, in short, carried herself throughout as if she were unconscious that she was not among the guests at a hotel. The other folded her arms, drew down the corners of her mouth, assumed the measured step of a procession, and walked straight forward, looking alternately to the right and to the left as she passed the patients, speaking to no one, but uttering, at intervals as formal and measured as her step, the expressive comment, "P-o-o-r t-h-i-n-g-s!"

\* Some forty years ago, a Parisian physician published a book, the object of which was to demonstrate the absolute identity of the mental condition in insanity and in dreams with the delirium produced by narcotics and that which precedes death caused by heat, by cold, and by deprivation of food.

p-o-o-r t-h-i-n-g-s!" with the solemn tone and continuity of the tolling of a funeral bell. She was little aware that most of the patients were as able as ever to recognize and appreciate her peculiar manner; and doubtless she would have been not only greatly surprised, but annoyed and mortified, could she have heard their comments and criticisms after she left.

In conversation with a gentleman who called at the Northampton Hospital, and who not infrequently has occasion to travel in some of the Western States, he informed me that upon one of his journeys he heard that no bald person becomes insane; and, as an illustrative proof of the fact, his informant asserted that in neither of the hospitals for the insane in Michigan was there a bald man or woman to be found among the patients. In reply, the gentleman was told that, howsoever it might be in the Peninsula State, it was very doubtful that the rule was one of universal or of general application. We would see if it was sustained by the testimony of the Northampton Hospital. We went through the wards, and took a census of twenty-seven patients who were largely bald, to say nothing of a considerable number who had made a beginning in that direction, one who wore a wig, and one who had only a slight fringe of hair, something like a lady's narrow, standing, quilled ruff, so situated that it might require a zoölogist or a barber to decide whether it belonged to the head or to the back of the neck. If Michigan wants some specimens of baldness, say forty or fifty, merely for the sake of novelty, Massachusetts will be happy to accommodate her.

It was reported about forty years ago that blind persons are never subject to attacks of insanity. Although then in possession of sufficient evidence of untruthfulness in the assertion, yet, as it was a point of some interest, I made it a subject of inquiry at a considerable number of German institutions which I soon afterward had occasion to visit. Several of them either then had or previously had patients who had lost their sight. In some instances, it was lost before the invasion of the mental disorder, in others afterward. Five blind persons, three of whom were men and two women, have been inmates of this hospital within the last twenty years. As at the German institutions, in some of the cases the blindness preceded the insanity, and in others followed it. It is not impossible that we may hereafter hear that deaf-mutes are exempt from the affliction of mental alienation. In order to forestall any public declaration to that effect, it may not be amiss to

state that two members of that defective class are inmates of this institution at the present time.\*

Within the last two or three years, a paragraph has gone the rounds of the newspapers, assuring the public that the insane never shed tears until after the commencement of convalescence, and that weeping is a sure prognostic of recovery. I had never before either seen or heard of a suggestion of the kind; and it is certainly contrary to the results of my observation. There are certain classes of the insane, and among them those whose mental disorder or impairment is a consequence of paralysis, in whom the emotional nature is unnaturally sensitive. Some of these shed tears upon the most trivial occasions. Hence it is to be apprehended that the paragraph was written by some one who was not well informed upon the subject or who was willing to add one more fold to the veil of mystery through which the subject of insanity is generally regarded.

In an interview not long ago with an intelligent gentleman from one of the most populous cities of the Union, the conversation turned upon an institution for the insane within or near the limit of that city. After commending it for its excellence, the gentleman spoke of the well-merited popularity of its superintendent, and proceeded to relate the following anecdote as a proof of his remarkable shrewdness, presence of mind, and readiness of expedient in the management of the insane: "The superintendent," said he, "had occasion to go to the summit of a tower in company with one of his patients. While admiring the extensive and beautiful prospect spread before them, the patient, with much excitement, suddenly seized the superintendent by the arm, and pressed him toward the edge of the tower, exclaiming, 'Let's jump down, and thus immortalize ourselves!' The superintendent very coolly arrested the patient's attention, and replied: 'Jump down! Why, any fool can do that. Let's go down and jump up!' The proposition struck the fancy of the patient, and thus the two were saved from their impending peril."

My informant did not say whether they *did* jump or not, but left me upon that point wholly in the dark; and, lest his satisfaction should be marred, I refrained from telling him that the story, in its essentials, is much older than the superintendent whom he had made the hero of it; that it was current, to my certain knowledge, not less than sixty years ago, and then had the flavor of antiquity;

\* In 1885.

that it undoubtedly is an old emigrant from England, and that, had it life and the power of speech, it might not unreasonably claim to have come over in the "Mayflower."

It is barely possible, but quite improbable, that the story had its origin in some actual occurrence of the kind. While superintendents are not habitually accustomed to take their excited or excitable patients to the dangerous height of towers, yet some one *might* have taken an unexcitable one to such a place; and, as many a sane person on the brink of a precipice has felt an impulse to leap from it, and as there is reason for the belief that even the calmest and least excitable insane man would be somewhat more liable to that impulse than one who is not insane, it is not beyond the limits of possibility that the tale is not wholly fictitious. It has a little, though not much, greater claim upon the credulity of mankind than that other antique specimen of the history of gymnastics,—the tale of "the cow that jumped over the moon."

Whether the writer of the following account expected or intended it to be believed or not, there is no possible means of deciding; but it is nevertheless very certain that it has been published as truth:—

"A gentleman accompanying a party to inspect an asylum chanced to be left behind in the kitchen, with a number of the inmates who acted as cooks and scullions to the establishment. There was a huge caldron of boiling water on the fire, into which the madmen declared they must put him in order to boil him for broth. They would fain have assisted him into the large pot; and, as they were laying hold of him, he reflected that, in a personal struggle, he would have no chance with them. All he could do was to gain time: so he said, 'Very well, gentlemen: I am sure I should make good broth, if you do not spoil it by boiling my clothes with it.' 'Take off your clothes!' they cried out; and he began to take off his clothes very slowly, crying out loudly the while: 'Now, gentlemen, my coat is off,—I shall soon be stripped. There goes my waistcoat, I shall soon be ready,'—and so on, till nothing remained but his shirt. Fortunately, the keeper, attracted by his loud speaking, hurried in just in time to save him."

To a person familiar with the inner life of an institution for the insane, this morsel of pretended history is so permeated and invested by improbabilities that the idea of its truthfulness appears to be not only perfectly absurd, but supremely ridiculous. The insane are not cannibals, even to the extent of the quality of their

broth; and the medical officers of a hospital are to be credited with at least a sufficient knowledge of their patients to know, so far as can be known, whom among them can be safely trusted in performance of the work of the kitchen. They would be very unlikely to send to that work even one patient whose disease might instigate him to criminal acts, and much less a whole group of them; and if by possibility one should be sent, and should attempt any outrage or violent act, all the others would lend their assistance in opposing and securing him.

The insane form no cabals, no extensive conspiracies. They have no confidence one in another. One patient of vigorous native intellect and a strong will may, indeed, make a dupe, a tool, or a cat's-paw of another who is less liberally endowed by nature. This is sometimes done within the walls of an asylum for the insane, as it not infrequently is in the outside world; but the concerted action, for evil, of several patients, is a thing comparatively, if not absolutely, unknown. Practical jokes are likewise sometimes perpetrated by inmates of the institution mentioned; and it is far less difficult to believe the story on the supposition that this was one of them than upon any other hypothesis whatsoever. At one of the largest of American hospitals, it was formerly customary, on certain days in the week, to show visitors through the two or three halls for either sex. Among the patients, in one of the halls for females, there was a lady of brilliant intellect and large attainments, the wife of a man of wealth and eminence. She was a shrewd and acute observer, had learned much of human nature, and liked a little fun withal. She knew, or thought she knew, that, of every fifty visitors who passed through the hall, not less than forty-nine were stimulated thereto by motives no higher than those which actuate the man who goes to the menagerie to "see the lion dance" or who attends the circus to witness the antics of the clown. She thought it a pity that their curiosity should not be measurably gratified, and so she established a series of entertainments for their special benefit and her own particular enjoyment. Upon the entrance of a group of visitors she would go through a medley of eccentric and grotesque dancing, gesticulation, and speech, and wind up by sidling up to one of the company, begging a cent, and folding, with both hands, the front part of the skirt of her dress into a temporary pocket, or contribution-box, for its reception. The visitors were highly gratified. Their visit had not been made in vain. They doubtless went

away with a memory for a lifetime, little dreaming how completely — to use a common but expressive term — they had been “sold.”

From what has here been written, it may correctly be inferred that writers who, with only that extent of information upon the subject which generally prevails, attempt to delineate the peculiarities of the insane, either by description or by the language and conduct of fictitious characters, as surely betray their ignorance as they would if writing upon any other subject without sufficient knowledge. They run more or less into the extremes of extravagance, exaggeration, and caricature. Engaged upon a somewhat mysterious subject, which may easily be treated sensationally, they appear to think that, to be truthful, they must be sensational. Doubtless, they are sometimes purposely so, with the intent of producing an effect by appealing to the love of the marvellous in their readers.

The reporter of a newspaper once visited the Northampton Hospital, went through the departments for patients, and was furnished with all requested information in relation to the institution. Not many days afterwards he published a long account of his visit, in the journal with which he was connected. In his description of the place, he was very accurate; but when he came to the indications, characteristics, and manifestations of insanity, even as he was supposed to have seen them, he was evidently in water of unaccustomed depth, and floundered to such an extent that some of the patients themselves detected his awkwardness. A bright, well-educated, intelligent, and intellectually acute patient in the female department read the article, and was greatly incensed at its incongruities and inaccuracies. It gave her the text for a discourse the like of which the reporter had never heard, in college or in public hall of any kind. It partook, perhaps, of the qualities of a sermon, a lecture, and a justice's charge; but, by a usurpation of the province of a jury, it was brought to a close with the energetic announcement of the verdict: “The little puppy! He ought to be horsewhipped.”

Nor are even the responsible writers for the public journals always unwilling to cater to the popular idea of insanity and the insane. Within the last twenty years, the editor of one of the newspapers of Western Massachusetts published an elaborate and detailed article in relation to this hospital, drawn largely from his personal observation. In this case, as in that of the reporter, the descriptive part was scrupulously truthful, and the same may be

said of its narrative. But, as if this wholesome dish might not prove sufficiently palatable to the partakers of his intellectual feast, he must needs throw in the spice of a paragraph of highly wrought untruth. Of five other Massachusetts newspapers which at that time regularly came to the office of the superintendent, no less than three quoted from our editor's article. Every one of them extracted the whole of the untruthful paragraph. Not one of them took even a line or a fact from that which was true.



### III. PAPERS OF THE SOCIAL ECONOMY DEPARTMENT.

#### I. REPORT ON CO-OPERATIVE BUILDING AND LOAN ASSOCIATIONS.

COMPILED BY F. B. SANBORN, GENERAL SECRETARY.

(Read Friday, September 6.)

Those peculiar organizations known by various names, and now seeking to accomplish some things inconsistent with their original design,—the Building and Loan Associations, or Co-operative Banks,—were never increasing faster in the country, on the whole, than now. A year ago, we estimated their number at 3,500, but this was evidently below the mark. In December last, while editing the report of last year, I said (*Journal of Social Science*, No. 25, p. 138): “My latest estimate would be 4,000; but at least one or two associations are formed every week-day at present in the whole area of the country, so that 5,000 will soon be the number.” I suppose, in fact, that there are now not less than 4,500 of these co-operative banks in the United States, of which there are in

All New England,	120
New York,	350
New Jersey,	200
Pennsylvania,	950
Delaware and Maryland,	225
Ohio,	750
Indiana,	200
Illinois,	500
Wisconsin,	45
Michigan,	60
Minnesota,	150
Iowa and Nebraska,	150
Missouri,	100
Kansas,	130
Kentucky,	100
Tennessee and the South-west,	300
Southern Atlantic States,	100
California and the North-west,	150
Total,	4,580

The increase from year to year is very unequal in different parts of the country. Thus, in New England, where there were a year ago only 90 co-operative banks, there are now 120, a gain of 33 per cent. Yet in Pennsylvania, where these associations have existed for more than 50 years, the number appears to be no greater now than it was last year. But we have from the Bureau of Industrial Statistics in Pennsylvania some recent information concerning these organizations in that State which may be cited. Mr. Albert Bolles, Chief of the Pennsylvania Bureau, says:—

Out of, perhaps, quite 1,000 building and loan associations in the State of Pennsylvania, we have collected, mostly by personal visits to the homes of the secretaries and meeting rooms of these associations, the yearly financial statements of 337 associations. The reports, whose statements have been carefully analyzed, show:

Total number of shares, . . . . .	459,082
Shares pledged for loans, . . . . .	126,234½
Cash receipts for one year, . . . . .	\$11,739,011.54
Cash expenditures for one year, . . . . .	11,089,821.62
Cash on hand at end of fiscal year, . . . . .	649,219.92
Paid stockholders, withdrawals, and matured stock, . . . . .	3,458,967.13
Current expenses, one year, . . . . .	115,926.51
Total assets, . . . . .	28,348,371.17
Total gains, . . . . .	5,940,653.60
Membership, estimated, . . . . .	73,437

Mr. Bolles then proceeds to extend this information by estimate and average, so as to cover not only the 1,000 associations in Pennsylvania, but the 4,000 estimated by me as existing in the whole United States at the beginning of 1889. These 4,000 associations or co-operative banks, he thinks, have, in the aggregate, as follows:—

Shares, . . . . .	5,450,000
Members, . . . . .	872,000
Borrowers, . . . . .	272,000
Borrowed shares, . . . . .	1,496,000
Assets, . . . . .	\$336,485,680.00
Receipts, one year, . . . . .	137,323,934.00
Disbursements, . . . . .	131,629,930.20
Cash on hand, . . . . .	7,694,004.80
Withdrawals and matured shares, . . . . .	41,055,984.64
Expenses, . . . . .	1,375,960.00
Gains, . . . . .	70,512,200.00

It is probable that this estimate of Mr. Bolles, at the beginning of 1889, was below rather than above the mark, although the Pennsylvania associations, having been longest in existence, have perhaps greater assets than those newly organized, of which there

are not less than one thousand, among the four thousand included in the above estimate. A good authority on such topics gives this account of the progress of the Building Associations in Pennsylvania, since they began at Oxford, a suburb of Philadelphia. He says:—

The associations here described had their origin in Philadelphia, where the earliest one was organized in January, 1831. The majority of those formed at first were unincorporated. A few of them were organized under special acts. A general act authorizing their incorporation was passed in 1850. At first the number of shares was limited, but in 1874 this limit was removed, with the proviso that the aggregate capital of an association should not exceed \$1,000,000. It was estimated by the Secretary of Internal Affairs of Pennsylvania in 1879-80 that the associations in Philadelphia had been the means of making eighty thousand people owners of real estate.

A more recent writer tells the story of the co-operative banks in Ohio, where they exceed in number those of any State except Pennsylvania. Mr. H. A. Ratterman, of Cincinnati, thus writes: \*—

These organizations represent taxable values; but who must, according to the interpretation of the laws, pay these taxes,—the association or its members individually? If the former, the additional question arises at once, What is the taxable property belonging to such organization? These questions agitated the public authorities of Hamilton County (Ohio) and the members and officers of building associations, which were operating in that county as early as 1868, and several years thereafter. The first building association of Cincinnati was organized July 8, 1866; in March, 1868, another; and, from June 4 to Oct. 27, 1868, nine more societies ventured into existence; fifteen in 1869, two in 1870, and four in 1871. They were not kept in secrecy: on the contrary, numerous advertisements, especially in the German newspapers (the first twenty or more of these associations were all German), brought them to the notice of the general public. Presently, mortgages were put upon the records of the county, the defeasance values of which ran up into the hundred thousands. This attracted the attention of the tax-officers to the associations. In the autumn of 1868, the auditor of Hamilton County cited several officers of the building associations to appear before him, and to list the value of their mortgages for taxation. This was complied with on the part of the First German Building Association of Cincinnati, the other officers putting in the plea that, not being in operation on the day fixed by law for the tax enlistment,—*i.e.*, the day preceding the second Monday in April,—they could not

\* Cincinnati *Co-operative News*, Jan. 16, 1890.

be compelled to list until the spring of the year 1869, which plea was held good, and they were thereupon discharged from listing. The first named society, then, in December of that year paid the assessed taxes (\$339.07) under protest.

During the winter of 1868-69, meetings were held by the officers of the various associations; but the diversity of opinions expressed was so great that nothing could be accomplished. The tax-lists served upon the various organizations by the assessors in the spring of 1869 were generally left unnoticed. However, in the autumn of that year, the auditor again issued citations to the officers, who, after holding consultations in a series of meetings called for that purpose, made returns, showing that they had no other taxable values, excepting the limited amounts of cash balances in the hands of their treasurers, probably a safe, and, in some instances, a little furniture and fixtures of nominal values. These returns the auditor refused to accept. He, however, in that year made no further attempts to molest them. But, when the assessors' tax-notice in the spring of the year 1870 again remained unanswered, the auditor once more issued citations to the various societies in October, 1870, who replied in the same manner as the preceding year.

In February, 1871, the city treasurer sued for a rule (with the power of a judgment) against the several building associations of Cincinnati, for the payment and penalties of the city taxes. This brought about the organization of a union of the societies under the name of "United Building Associations of Hamilton County, Ohio," which was effected on Saturday, Feb. 25, 1871, by electing H. A. Rattermann president and Adolph Sommer secretary. It was also voted that an executive committee should be elected, with full power to act or to call general meetings at their discretion. This committee were Messrs. Rattermann, Carberry, Schaaf, Austing, Keck, Schuster, and Cross; and they were allowed to have power to levy assessments on the various societies, in proportion to the number and value of their shares, for the purpose of defraying expenditures. The executive committee had its first meeting on Feb. 26, 1871, and organized by electing J. P. Carberry chairman, H. A. Rattermann secretary, and Oswald Schaaf treasurer. Messrs. Stallo and Kittredge were engaged as attorneys, the former having since been United States Minister to Italy.

Mr. Rattermann goes on to show how the Executive Committee, with their counsel, defeated the purpose of the city authorities to tax the mortgages of the Hamilton County Co-operative Banks, to an amount estimated at \$265,000, and then adds:—

The Executive Committee held their final meeting Oct. 14, 1878, after the last of the associations, from whom they held their mandates, had become extinct. As no report of the committee

has ever been published exhibiting their doings, it may, even at this late day, be of general interest. The secretary's report shows the following receipts and disbursements :—

From two assessments, of 30 cents each per share of \$448,	\$5,285.30
Interest on United States Bonds, . . . . .	376.81
Premium on bonds sold, . . . . .	401.75
Total receipts, . . . . .	\$6,063.86
Paid attorneys' fees, . . . . .	\$4,500.00
Notarial services, . . . . .	329.40
Expenses of 1869, . . . . .	89.50
Assessment of one candidate for the constitutional convention, . . . . .	100.00
For printing and advertising, . . . . .	108.60
For postage and letter-carrying, . . . . .	13.21
For premium on bonds bought, . . . . .	428.00
	<hr/>
	5,568.71

The Building Associations in Hamilton County have not been vexed with the tax question since 1878 ; and the principle that the mortgages held by them are not a value, but a security for the performance of membership duties only, has been successful through a united effort of the associations.

I have cited this account, with its details, in order to show by the example of one State how the legal difficulties attending the beginning of such an enterprise were met and overcome. The example of the Cincinnati associations in forming a league for protection and for influence upon public opinion, the legislature, and the Constitutional Convention of Ohio, has been followed since in many other States ; but this was probably the first instance of such a union, or league. Its success has given the Building Associations of Ohio great prosperity ; and one of them, the Mutual Home and Savings Association of Dayton, is said to be the largest in the United States. The estimated membership in Pennsylvania of her 1,000 associations is 218,000, with an invested capital of more than \$85,000,000. Ohio, with her 750 associations, has an estimated investment of \$75,000,000. Illinois claims 482 associations, with an investment of \$36,000,000. New York has about 350 associations, with an estimated investment of \$20,000,000. New Jersey has 200 associations, with an invested capital of about \$14,000,000. Indiana claims to have 400 associations, with an invested capital of \$10,000,000 ; Iowa, 100 associations, with an invested capital of \$8,000,000 ; Missouri, 200 associations, with resources approximating \$15,600,000. California has 60 associations, with assets of \$5,000,000. Kansas claims 100 associations,

with an investment of \$3,000,000 ; Wisconsin, 65 associations, with assets of \$1,500,000. Massachusetts needs but few more to bring her number of co-operative banks up to 100.

The rapid growth of these organizations has stimulated many speculative movements, one of the most active of which is the creation of the so-called "national" associations, which, instead of confining themselves to a single city, extend their membership and their loans over several States, and aspire to include the whole country. They are banking institutions, and, if well managed, will have the usual success of banks ; but they have none of the peculiar safeguards of the small and local co-operative banks. They have lately organized a League of *General* Building and Loan Associations, the separate members of which, at last accounts, were the following companies :—

The National Building Loan and Protective Union, of Minneapolis.

The American Building and Loan Association, of Minneapolis.

The International Building Loan and Investment Union, of Chicago.

The National Savings Loan and Building Company, of St. Paul.

The Railway Building and Loan Association, of Minneapolis.

The American Savings Loan and Investment Society, of Chicago.

The Interstate Building and Loan Association, of Bloomington, Ill.

The Illinois Building and Loan Association, of Bloomington, Ill.

The Building and Loan Association of Dakota (Aberdeen, S.D.).

The National Mutual Building and Loan Association, of New York.

The Guaranty Building and Loan Association, of Minneapolis.

The Interstate Building and Loan Association, of Minneapolis.

The Security Building and Loan Association, of Minneapolis.

The Interstate Building and Loan Association, of Columbus, Ga.

The United States Savings Loan and Building Company, of St. Paul.

It will be noticed that, of these fifteen investment companies, more than half are in the two cities of St. Paul and Minneapolis, and four are in two cities of Illinois. They are, in fact, real estate investment companies ; and their object is to collect capital, from the East, if possible, and invest it in the newer States of the Northwest or in growing communities at the South. To this there is no objection, except that it is a business proverbially risky, and very unlike the small and domestic scale upon which the co-operative banks ought to proceed. On this point, Mr. F. A. Richards, bank examiner in Maine, well says :—

The key to the almost uniform success of building and loan associations is found in the intimate relations which they hold to shareholders, and especially to borrowers. Not only do they make it possible for persons having but small incomes to build homes for themselves, by loaning money on unfinished property as the money is needed to advance the work, repaying in small instalments, but they exercise a scrupulous supervision over the interests of the borrower. The condition and situation of his property, the plans of the architect, the estimates, the character of the contractor, the building material, the work of the builder,—all are carefully inspected by competent judges and subject to their approval. The building and loan association thus forms a supervisory board whose assistance to the borrower is invaluable.

There can be nothing, or very little, of this supervision in the great "general" building associations; nor can their affairs be so strictly supervised in other respects. The more cautious experts, therefore, like Judge Dexter of Elmira and Mr. Southard of New York, pronounce against them. There are those, however, who object to the use of the term "building" in connection with the co-operative banks; and a correspondent in Rochester, N.Y., writes me as follows:—

There are in the neighborhood of a hundred—not half a dozen more or less—*savings and loan* associations (called, for short, loan associations) in Rochester, to two of which I have belonged for a long time past; and there are several *building lot* associations and *land* associations, which, however, are nothing more than combinations of individuals for the purchase of land in a large tract and its sale by lots, so that, as you see, they have nothing whatever in common with the "building associations" of Philadelphia. Our loan associations are equally far removed from that complex system; and they are sufficiently complicated as it is (no two of them, perhaps, being exactly alike), without adding the unnecessary entanglement of a building department, in which I can see no possible advantage to either party. When we sell shares of money to an individual, we take a mortgage upon a sufficient amount of real estate (unless he borrows upon "free" shares of stock already owned by him), and no one except the Committee of Appraisal cares whether his house is old or new or about to be built, or whether there is no intention on his part ever to build a house. Oftentimes, to be sure, the money is doled out to him as the house progresses, and the increased security warrants additional instalments; but the man himself builds the house: the association does not build it for him in any sense of the term, and ours is no more a "building" association than it is a horse-race association or a base-ball association.

All our associations, with one or two insignificant exceptions, have been successful. Of course, the dividends of all except the new ones have dropped to twelve or ten per cent.; but none of them are going out of business, and the few which were not originally "permanent" have become so. In the early part of this year (1889), a statement was prepared of the money loaned on mortgages by our four Rochester savings-banks and by the loan associations which may interest you. *In 1886*, the banks made 384 loans, aggregating \$1,505,072.67; the associations, 756 loans, aggregating \$970,808.80,—excess in favor of the banks, \$534,263.87. *In 1887*, the banks made 581 loans, aggregating \$1,479,648; associations, 1,254 loans, aggregating \$1,795,384.70,—excess in favor of associations, \$315,736.70. *In 1888*, the banks made 328 loans, aggregating \$737,440; associations, 1,581 loans, aggregating \$2,126,314.10,—excess in favor of associations, \$1,388,874.10. Of course, the above has nothing to do with bank mortgages made *before 1886*, and still held by them, which amount to \$10,000,000 or more.

The figures just given show that in some cities the new loan associations, or co-operative banks, are gaining upon and supplanting, to some extent, the old savings-banks. Perhaps this may lead the latter to establish a system of loaning to their own depositors more generally, and upon more favorable terms than they now do.

As our committee had occasion to say a year ago, the general safety of our American building associations during the half-century they have existed is well known. No serious disaster has overtaken most of those who invested in them; and this, mainly because they were small, were carefully looked after by the investors, and did not venture into large operations. But their success has led, recently, to the formation of so-called "national" building associations, which are exposed to peculiar risk. It is to be hoped that the local building associations will maintain themselves against these intruders into their proper field, and that the noble system of Co-operative Banking will not be wounded in the house of its professed friends.



## 2. PRACTICAL MEASURES OF SOCIALISM IN ENGLAND.

BY MR. PERCIVAL CHUBB, OF LONDON.

(Read September 6.)

In spite of all the fashionable writing and talking about Socialism, such false and imperfect notions of what it means are still at large, that I shall venture to preface what I have to say about the practical aims of its English advocates by a short exposition of its theory and purpose.

Socialism professes to find a clew to, and a cure for, the poverty which is almost everywhere the distressing accompaniment of modern civilization. It is but a few years back that Christendom, relying on that misunderstood saying of its founder, "The poor ye have always with you," accepted poverty as a divine necessity,—a discipline for the poor and a field of charity for the rich. Even now it is quite commonly believed that poverty, while it may be mitigated, and perhaps effectually relieved, by organized charity,—*i.e.*, charity officialized and administered with a minimum of compassion,—can never be wholly abolished. But society has from time to time been startled out of its complacent toleration of poverty by reformers who preached a seeming way of escape from it; and now Socialism, professing to base itself on science and history, affirms that poverty is a perfectly explicable disease of the social body, a disease which has its chief cause in irrational and iniquitous social laws and institutions, and is to be cured through the application of a modicum of justice, reason, and good-will to the diseased body.

That this conclusion has not sooner been arrived at must be ascribed to men's ignorance of the real condition of things. No reasonable person can face the array of statistics now available as to the facts of social life without coming to the conclusion that there is some fundamental flaw in our social system. He can hardly study those statistics thoroughly and disinterestedly without gaining some insight into the causes of the evils, and the direction in which a remedy must be sought.

Let us look for a moment at a few of the more salient facts which recent inquiry has brought to light. They shall be facts of the life of London, where I myself have lived :—

One out of four of the whole population is computed to be earning—and that irregularly—not more than a guinea a week *per family*; and over a third of these are receiving much less, and, says Mr. Booth, “live in a state of chronic want” (p. 33 of “Life and Labor in East London”). This corresponds to the proportion indicated by the statistics of mortality. In London one person in every five will die in the workhouse, hospital, or lunatic asylum. In 1887, out of 82,545 deaths in London, 43,507 being over twenty, 9,399 were in workhouses, 7,201 in hospitals, and 400 in lunatic asylums, or altogether 17,000 in public institutions (Registrar-General’s Report, 1888, C.—5, 138, pp. 2 and 73). Considering that comparatively few of these are children, it is probable that one in every three London adults will be driven into these refuges to die; and the proportion in the case of the manual labor class must, of course, be much greater. One in eleven of the whole metropolitan population is driven to accept Poor Law relief during any one year (see p. 20), and that notwithstanding the existence of organized metropolitan charities estimated to disburse over £4,000,000 annually (Encyclopædia Britannica, vol. xiv. p. 833), and that in Middlesex and Surrey there were in 1888 1,152,189 Post-office Savings Bank accounts open, with an aggregate balance of £15,410,541 (H.C. 177 of 1889). In spite of all, 29 deaths were referred, in 1888, to direct and obvious starvation (H.C. Return, No. 136, 1889).\*

It has been found that “the average age at death among the nobility, gentry, and professional classes in England and Wales was 55 years; but among the artisan class of Lambeth it only amounted to 29 years; and, while the infantile death-rate among the well-to-do classes was such that only 8 children died in the first year of life, out of 100 born, as many as 30 per cent. succumbed at that age among the children of the poor in some districts of our large cities.” It has been computed that from thirty to thirty-five thousand children often go daily to school without breakfast, not to speak of those who have been only scantily fed. On an average, from twenty to twenty-five thousand dock laborers compete, which means physically struggle, for employment at the dock gates for work at 4d. (8 cents) per hour,† and that one-third of them struggle in vain. These facts clearly show

\* From “Facts for Londoners,” an exhaustive collection of statistical and other facts relating to the metropolis, published by the Fabian Society, 63 Fleet Street, London. Price 6d.

† This was written before the great strike had secured an advance in the rate of pay, which is still shamefully low.

that our social system — if such a chaos of competition can be called a system — excludes a large fraction of the population from the opportunities of earning a livelihood altogether, and compels another large fraction to work at mere starvation wages; that it shortens the life of this large fraction, and sends them to die in workhouses and hospitals; half starves, and often more than half starves, their children, so that they are incapable of receiving even an elementary education.

What is the explanation of this lack of employment, this low rate of payment, this murderous poverty, breeding disease, suffering, and crime? We get a little light thrown on the question when we reflect upon another leading fact of our social life; namely, that out of the total annual income of the English nation, estimated at £1250 millions, 450 millions (more than a third) go in rent and interest to the owners of land and capital. This is as much as the whole income of the manual laborers of the country, although these represent about five-sevenths of the population. It appears, then, that out of the total annual income a small class are able by some means or other to appropriate more than a third. How do they manage to do it? The appropriation, I have said, is made in the form of rent and interest. Rent is payment to the owners of land for the use of that land. Interest is payment to the owners of capital for the use of that capital. These two things, land and capital, being absolutely necessary to life and comfort, the small minority who monopolize them can, and do, extort a toll from the non-possessing majority for their use. These proletarians, competing with one another for places, under the fear of starvation, are driven to accept the lowest possible wages, and their productions are sold for the highest obtainable price.

Here, then, says Socialism, is the economic root of the evil of poverty,—the monopoly by a small class of the means of life; namely, the material and the instruments essential to the production of wealth. This carries with it three great injustices: the exaction, from those who labor to produce wealth, of part of the fruits of their exertion (more than one-third, as I have said); the exclusion of many from opportunities of working; and the existence of an idle, rich, luxurious class. It implies, too, a great class antagonism, due to the effort of the monopolists to extract all they can from the disinherited; to take every advantage of the latter's disadvantages, so intensifying the struggle for daily bread.

There are other evils inseparable from these, other inequalities generated by this fundamental inequality, which are further proofs of its vicious character ; but I must not stop to speak of these now.

The economic cure which Socialism prescribes is the abolition of this monopoly of land and capital by vesting them in the nation, to be used for the public good instead of for private gain, and the consequent appropriation of rent and interest by the people for public instead of private enjoyment. This necessarily involves the organization of industry by the State ; the systematized co-operative production of the necessities of life to meet ascertained needs, avoiding waste and disastrous crises ; the enrolment of every capable citizen as a worker, abolishing idleness on the one hand and long and laborious toil on the other ; and the just distribution among the workers of the fruits of their exertion.

The strength of the position thus taken by Socialism lies in the fact that it advocates a solution for which the present economic development of society is preparing the way, and indeed will in time render inevitable. Industry is becoming more and more concentrated in large establishments, which are exterminating their smaller antagonists. Through the perfection of machinery and more minute division of labor, production is becoming more and more socialized,—a co-operation of workers constantly increasing in magnitude and complexity. And again, through the combination of productive concerns in trusts and syndicates, the distributive machinery is becoming more and more adequate to the needs of consumption. In time, it certainly must become clear that it is just and expedient that these productive concerns should be worked for the public good instead of for private aggrandizement. The transfer from private to public hands is being made easier every day.

So much, in brief, for the economic meaning of Socialism. Politically, it means the realization of a true democracy based on complete civil equality, "a government of the people, by the people, for the people," to use an admirable historic phrase. It does not contemplate a huge, highly centralized organization of society, but such a confederation of free autonomous communities as will allow for the fullest mutual development of individuality in communal and personal life.

Ethically considered, Socialism is the effort to give effect to the principles of social morality, theoretically acknowledged by every professed follower of Jesus of Nazareth, that we should love our

neighbor as ourselves, and do unto others as we would that they should do unto us ; that the strong should bear the infirmities of the weak (and not strive to profit by these infirmities, which is the law of competition); and that the measure of human worth is service, and not possessions. The basis of Socialist ethics is none other than the principle implied in the Golden Rule and stated in another form by Paul, that we are members one of another, so that an injury or injustice done to one is an injury or injustice done to the whole. Socialism affirms, along with the great teachers of all time, that the good of the individual is conditioned by and involved in the good of the society of which he is a member ; and therefore that, in order that society may secure the highest good to the individuals composing it, each individual must live for the highest good of society. In this principle, it gains at once the guide of conduct and the inspiration of life. Living by it, a man finds himself lifted above the narrow limits of his private concerns, to share in the larger life and wider interests of humanity. From this standpoint, the struggle for personal possessions seems paltry and foolish, and only that common good, which is a brotherly co-operation for living a full and deep and beneficent life, worthy of pursuit.

Now, Socialism as a principle of social reconstruction and an ideal of social progress must be the same for all peoples ; but it is clear that, as the political and social conditions of nations vary considerably, they cannot realize the ideal by identical methods of transition. This, at least, is the opinion to which most Socialists in England have been won. In the early stages of the movement it was believed with a fanatical ardor that the change from the old to the new social order might be effected by a sudden and simultaneous uprising of the workers of all the nations. This belief still survives, more especially on the continent of Europe. In England, the view now rather prevails that, while the rich may force the poor to revolutionary measures, the chief obstacle to the adoption of Socialism is not, as it is on the continent, the oppression of a despotic power, which forbids free speech and propaganda, but the ignorance, prejudice, and inertia of the people. True, these are sad shortcomings, for which the inhumanity of society must be blamed ; but they are facts which must be faced frankly. The conviction is also gaining ground that to make such a vast change as that from the *régime* of competition, class distinction, and individualism in morals to the *régime* of co-opera-

tion, equality, and social ethics, suddenly, is a moral and an economic impossibility; and that the effort to do so would be made in the face of the teaching of history and philosophy. English Socialists, or the great majority of them, have therefore taken to formulating a scheme of transitional measures, designed to lead as speedily as possible to the consummation of their aims, the foundation of a co-operative commonwealth. They have, accordingly, while continuing their purely educational work, entered the sphere of political action with the object of forcing their own stepping-stone measures. Such success has attended their early efforts that there can be little doubt that it is along these lines that the Socialist movement will advance in the future.

It would, however, be unfair to ignore the significance and influence of the comparatively small body of avowedly revolutionary Socialists who discountenance and hold aloof from the endeavor to gain Socialism by instalments through political agencies. This section of believers in the possibility of a sudden transformation still hopes to educate and organize the proletariat of Europe for a great revolt. It derives much of its present importance from the fact that it is headed by a man of genius in the person of William Morris,—poet, artist, and agitator,—who has nobly dedicated his splendid gifts to the cause of Socialism. Allied to this section is one wing of the Anarchist party in England, which also gains a weight disproportionate to the small number of its adherents from its having as chief spokesman that self-sacrificing and learned Russian, Peter Krapotkin. These men, and others of kindred temperament, are really the idealists of the Socialist movement. They are consequently an invaluable element in it. It is they who help to keep it from falling away from its finer faith and higher purpose, and from losing itself in the machinery of politics and the animosities of party strife. As it seems to be the inevitable tendency of political parties to run into the mire of intrigue, mean artifice, and unworthy compromise, an influence which will aid Socialism in its political activity to preserve a pure heart and clean hands is an influence to be thankful for.

Having cleared the ground somewhat by explaining the theory of Socialism and the political attitude of its English advocates, I may now proceed to expound their practical programme. For clearness' sake, I will venture to state again in succinct form the economic aim of Socialism: it is to substitute for the present *régime* of competitive industry for private profit, based on the

private ownership of land and capital, a *régime* of co-operative industry for the public benefit, based on the State ownership and administration of land and capital (*not*, be it observed, of all private property). This, as I have already remarked, means the appropriation for public purposes of the rent and interest paid for the use of land and capital, which now finds its way into private purses. It follows that, if the whole of this rent and interest were diverted by taxation into the public purse, there would be no further reason for the private direction of industry. So that the final result aimed at by Socialism will be equally effected by these two convergent methods,—*i.e.*, the gradual assumption of industrial functions by the State, and the gradual public appropriation by taxation of rent and interest. But these do not exhaust the methods of Socialism. Not only will it work for the gradual State, municipal, and township organization of labor, but also for the most rigorous State control of private industry and enterprise for the protection of the worker in his unequal struggle with capital, and in the interests of the public weal. This is at once just, and is needed to place the worker in that position of efficiency and independence which is a condition of his well-being and of political and social advance. This is the direction in which legislation has done most for Socialism in the past; and, as continuing a well-established precedent, it is this class of legislative interference which, though it is not most important, should stand first in the category of Socialist methods. Lastly, with the same end of advancing the interests of the workers,—who are, let it be remembered, the overwhelming majority of the nation,—Socialism will strive for the improvement in all possible ways of the condition and opportunities of the people: by their better housing, by providing against want during compulsory idleness (by affording work), during sickness, and in old age, and by the multiplication of the chances of education and healthy recreation.

Here let me forestall two objections often made against the Socialist position. The first refers to the debilitating effect of State interference and State management. Nothing could be more alien to the democratic object and spirit of Socialism than the paternalism so often ascribed to it. Socialism does not propose that anything should be done by a power outside or above the people. By the State, it means the people in their corporate capacity; and, by State action or State control, it means action by the people and control by the people of their own affairs, in-

stead of such control and action by a despot, a cabinet, or a class. (The ascendancy of the majority is of course inevitable: there can be no State and no industrial organization without it.) It is the endeavor of Socialism to generate in every man a sense of his representative character and of his civic obligations and privileges.

The second objection I wish to notice is that Socialism is unjust in taking from the rich to benefit the poor; is, in fact, a form of charity,—compulsory charity. This is an objection which will be seen to be irrelevant, if what I have already said has been understood. In the view of Socialism, the taxation of land and capital, by which the State revenues for the accomplishment of its designs are to be raised, is simply a means of restoring for public uses the rent and interest which are unjustly withheld from the people and should be employed for public purposes. It is important to bear this in mind.

I have sketched the four kinds of legislative reform by which Socialism in England hopes to work out its ends. They are, to enumerate them briefly for convenience' sake:—

1. The control of private industry and enterprise.
2. The gradual absorption of industry by the State.
3. The progressive taxation of rent and interest (*i.e.*, of land and large incomes).
4. The improvement of the conditions and opportunities of the people.

The first point to be noticed in connection with these legislative aims is that in advocating them Socialists are advocating nothing new, and are not proposing to initiate any novel departure in politics. The strength of the position assumed by Socialism in this matter lies in the fact that it is working along the lines of development which politics have taken ever since the beginning of the century,—taken, not in obedience to any well-defined theory such as Socialism claims to be, but often in actual contradiction to the dominant theory, simply because there was practically no other way of coping with the evils of the time. Socialism, as you will have gathered, aims to carry the extension of legislation along these lines so far as to alter the economic basis of social life. Its affirmation is that the need of such legislation in the past is a proof that the economic or property basis of our social *régime* is unscientific and mischievous. The assumption of the champions of *laissez-faire* was that competition, with the private ownership of land and capital, would find its own adjustments, and that the



self-interest on which it was based would educe its own checks and insure social well-being. This assumption cannot stand the test of economic analysis. Early in the century, it was found that the State, unless it were to become a party to the wholesale degradation and even murder of men, women, and young children, could not "let alone," but had to put a stop—to be sure, even yet, a very partial stop—to the ruinous tyranny of competitive commerce. And we have accordingly had in England an extensive series of protective measures.

According to one school of reformers, of whom Mr. Henry George is the distinguished leader, the mischief is due entirely to the private ownership of land. These new individualists uphold the private ownership of capital and, with a few exceptions, free competition. But Socialism fails to see any valid and essential distinction between land (which often embodies a great deal of capital) and capital. It maintains that the monopoly of capital—which, equally with land, no single man made, and is, under modern conditions, as indispensable as land for human welfare—is also an inevitable source of human bondage. It affirms that it is unjust and illogical to tax the rent of land and leave untaxed interest on capital, which, like the rent of land, is a toll levied on labor by monopolists of what is largely a social product and is indispensable to life. In any case, it denies the right of any person, by any monopoly whatever, to withhold from labor any part of the fruits of its exertion and to live in idleness on interest, supported by the labor of others.

This, however, is a digression. I will now deal *seriatim* with each of the four species of legislation which I have enumerated, indicating briefly what progress has been made in each instance, and then stating the fresh extensions which, as Socialists believe, should be immediately demanded.

1. Under the head of legislation insuring the State control of private industry and enterprise for the protection of the workers and the public, we have first the series of Acts passed from 1802 onwards, which regulate the employment of men, women, and children in factories, workshops, and mines. Under this category are to be included several Acts passed in recent years (after the cessation of such legislation during a period when reactionary individualist doctrines held sway),—Acts like the Employer's Liability Act, protecting employees against accidents due to the negligence or fault of the employers; the Mines Regulation Acts, protecting

miners against accidents in mines and abuses of employers' powers; the Truck Act, providing for the honest payment of wages. Besides Acts of this kind, we have a series of Acts for the protection of public health, the chief of which is the Public Health Act, 1875, which consolidated previous legislation. By that Act and other minor incorporated Acts, provision is made, among other matters, for the regulation of the construction of new streets and buildings and of slaughter-houses, of common lodging-houses; the use of markets; the prohibition of practices dangerous to health, such as keeping animals near dwellings and offensive trades; the plying of hackney carriages and of pleasure boats and vessels, etc. Other Acts provide against adulteration and the unhealthy management of dairies, cowsheds, and milkshops. Then we have the Merchants' Shipping Act for the protection of seamen, and Acts for the control of electric lighting, telephones, railway rates, etc. By rigid inspection and registration, the State exercises in numerous instances controlling power of another kind. But more important than any of these controls is the power which, by Mr. Gladstone's famous Irish Land Acts, the State has assumed to control rents in Ireland,—a precedent that was not lost sight of when it came to dealing with the agrarian grievances of the crofters in the north of Scotland. This record will show that not a little has been done to curtail the power of capital in its unequal contest with labor, and to insist upon such an exercise of individual powers as shall not endanger public health, safety, and convenience.

The particular extension of State control for which the Socialists, together with other reformers, are pressing now, is the limitation of the working day to a maximum of eight hours. There is at present some difference of opinion as to the practicability of enforcing such a requirement in all cases. A modified proposal is to enforce it in all government and municipal establishments, in mines, and in all licensed monopolies (railways, tramways, gas-works, etc.), and in any trade in which the majority of workers demand it. Socialists know that, if the industry of a country were properly organized and every capable person shared the work of production and distribution, much less than eight hours' work per day would be required from each person. They regard eight hours as the maximum which any one ought to be required to work in order to earn a sufficient maintenance. Out of these eight hours, the wage-earner will, as a rule, be working at least two for the benefit of landlords and capitalists.

In addition to this, Socialists intend to agitate for legislation to secure at least one day's holiday per week (not necessarily Sunday) and abstention from work on fête days; the abolition of night work, as far as practicable, for men and women, and entirely for children; and the total suppression of labor by children below the age of fourteen, and protection of children up to the age of eighteen. These requirements were included in the Socialist programme at the recent Paris Congress.

Socialists recognize that much has yet to be done to benefit workers in shops, factories, and, above all, in mines; and further legislation for this purpose is almost certain to be carried very soon. These matters are being looked after by trades-unions and labor associations, and they will have all the help that Socialists can give. Radicals are already talking of the application of the Irish land acts to Wales, Scotland, and England; and it is in this direction, and not in the retrograde proposal to establish a peasant proprietary, that the line of advance to the Socialist goal lies.

2. The progress made in legislation of the kind mentioned in my second division — namely, legislation securing the replacement of private industrial undertakings by State undertakings, *i.e.* by the central authority or by local authorities — has been noteworthy. The most conspicuous example of a State undertaking in England is the post-office. This has been constantly enlarging its functions; and it now undertakes, besides the transmission of letters, the carriage of small parcels, the telegraph business of the country, the banking of small savings, insurances, and limited annuities. The State has also its dockyards, arsenals, and victualling stations, where it builds ships, makes guns, provisions vessels, etc.; it has its Mint, where it fashions the coin of the realm; and it has its galleries and museums, its light-houses, and its coast-guard and pilot services. The State also manages lands and estates, makes land surveys, takes the census, provides weights and measures, controls charities. The number of its employees, excluding the army and navy, is over one hundred and thirty thousand.

More important, however, than these large functions of the central government are the undertakings of the municipalities and other local bodies. Past legislation has provided for a considerable number of these, and they are being constantly added to. Among the more important matters in the hands of local authorities are: education (under the supervision of the central Education Department); the relief of the poor, including management

of large workhouses, the supply of medical attendance during sickness, in accidents, and in childbirth, the apprenticeship of poor youths and young women, the boarding out or placing in families of orphans and deserted children, and the emigration of poor persons; the supply of gas and water; the construction and maintenance of markets, sewage farms, museums, galleries, libraries, parks, public baths and wash-houses, harbors, piers, wharves, bridges, roads, hospitals, lunatic asylums, cemeteries, dispensaries, tramways, ferries, dwellings for artisans, the provision of garden allotments for poor laborers; vaccination; the purchase and sale of lands for street improvements, etc.

Since Socialism is to be chiefly realized through municipal or local organization, and is averse to unnecessary centralization, it seeks by every means to widen the sphere of public enterprise by promoting the extension of the powers of these local bodies. Nevertheless, there are at least two matters which it thinks should be undertaken as soon as possible by the central executive,—the ownership and management of railways and banks. As regards municipal management, there can be little doubt that the obvious advantages of the public supply of gas and water and the provision of baths, wash-houses, and institutions for education and recreation will lead, as Socialists urge that they must lead, to further government undertakings. Socialists have made it a point in their agitation to advocate that the employees in all these public establishments shall be well paid and considerably treated,—paid wages sufficient to insure a respectable maintenance, and allowed reasonable holidays.

The next step in the way of local public enterprise which Socialists would wish to see, and are hoping to see taken soon, is one in connection with that most pressing of English problems,—the problem of the unemployed. Before this problem the politicians stand at present bewildered and helpless. There seems to be no way of dealing with it without interfering, in what they fancy an unwarrantable manner, with vested interests. But, vested interests notwithstanding, the problem must be solved. There are three leading suggestions for dealing with it: first, that of forming pauper or beggar colonies, after the model of those in Holland and Germany; second, the organization of labor in connection with the English workhouses, by which these institutions may be self-supporting,—a remedy advocated by Mr. Arthur Mills, who has propounded a plan in a work entitled "Poverty and the

State"; third, the proposal advocated by Socialists for the organization of agricultural and industrial armies under State control on co-operative principles. Confused and timid as public opinion is at present on this question, it is hardly likely that the evil will be dealt with at once in any thorough-going way, but will for a year or two be met in the partial and unsatisfactory manner at present adopted in some instances,—the opening of stone and labor yards by local authorities to give temporary relief by payment of very low remuneration for rough work (chiefly stone-breaking), which avoids competition with private firms. Meantime, the Socialists will continue to press for the immediate employment of the unwilling idlers upon needful and contemplated public works, public improvements, and especially the erection of artisans' dwellings; and they will continue to agitate for the more satisfactory palliative described above.

Among the Acts recently forced by party exigencies out of the present Conservative government in England was an Allotments Act, which empowers local authorities to purchase land to be let in allotments to certain of the poorer working people. This was a very important concession to the Socialistic principle. It is true that the Act was, as might be expected, very unsatisfactory; but it will no doubt be amended and extended by the next Liberal Government. It is the policy of Socialists to see that every advantage is taken of legislation of this description. The difficulty usually urged as against an extensive acquisition of land by public authorities is the difficulty of raising the purchase money, seeing that taxation already presses so heavily upon the poor. The difficulty is to be met by a readjustment of taxation, which naturally leads me to the third division of my subject.

3. The third kind of legislation for which, as I said, Socialists would work is legislation for the progressive taxation of rent and interest to meet the expenses of government, and the abandonment of all other forms of taxation. This means shifting the burden of taxation entirely on the shoulders of the rich, with the ultimate object of abolishing the class of recipients of rent and interest entirely. Clearly, then, the making of the poor justly rich will imply the now unjustly rich becoming poorer,—poorer, that is, in private possessions, and not in opportunities for noble living. They would have to forego their great luxuries (flunkeys, etc.), which, according to the religion that many profess, would give them some hope of heaven; but it is clear that no real good

which the rich now enjoy, no advantage of art, science, music, literature, entertainment, will be lost under Socialism, which would provide the best of these things for the enjoyment of all.

The principle of a graduated income tax has already been conceded in England by the exemption from the income tax of all incomes not exceeding £150 (\$750) per annum, and by the imposition of taxes on personal property, such as death duties. Socialists would be in favor of raising the present limits of income exempted from income tax, of making the tax a graduated one, and of equalizing and increasing the death duties. This has already been proposed by non-Socialists.

At the present moment, the attention of taxation reformers is chiefly turned towards the land. The immense increase in urban rents, and the exorbitant demands made in numberless instances by the ground landlords in London upon the recent renewal of leases, has brought the injustice of the individual appropriation of the unearned increment into full relief. People have begun to see that the rise in rents is due to social causes, and that, as a rule, the landlord has done absolutely nothing to merit the increment. And so we have now a movement, growing daily in strength, for the taxation of ground values. This is supported by Socialists. It is contended that the land tax should be constantly raised, so as in time to absorb the whole of the unearned increment, and eventually all rent whatsoever. Another proposal advanced by other reformers is the special taxation of mineral royalties; and in this, too, as a requirement of the same principle, Socialists concur.

4. I come now to my fourth division of the legislative policy of Socialism,— the promotion of legislation to improve in all possible ways the conditions and opportunities of the poorer citizens. This, I repeat, is not regarded as in any sense charitable relief; and, in taxing the rich for the accomplishment of this end, the poor are simply getting justice. Here, again, Socialism will be developing a species of legislation begun long ago. The obligation of the State to protect the poor against extreme want, and itself from the evils of vagabondage, was recognized long since by the English Poor Law. The further necessity of protecting the poor and the State against the evils of ignorance was later on recognized by the passing of the Education Acts. It is, indeed, now coming to be seen that the condition of the survival of the nation as such in the international commercial struggle calls for the tech-

nical and higher education of the working population ; nay, more than this,—that the good of the nation as a whole, rich and poor, can only be secured by keeping the workers efficient in body and mind. The modern race for commercial supremacy is at last for the best educated ; and a high education cannot be given to an indigent, overworked, underfed population. In the last resort, in fact, selfishness is suicidal. To the Socialist, the better care of the poor is not a mere matter of expediency : it is a matter of justice. For him the argument from national survival has no ultimate validity, since he is in all nations bent, as an essential part of his mission, upon ending the present international struggle and establishing amity and co-operation among the workers of all countries. He does not believe in the beneficence of selfish struggle, but regards it as subhuman, and of no further value for the purpose of realizing a true society. Socialism would entirely replace private philanthropy by State protection ; and it will accordingly work for such an extension of our Poor Law System as will insure the adequate care and comfortable maintenance, without any slur of charitable intention, of the sick and incompetent and aged.

Something has already been done by legislation to provide by public agencies for the needs of the poor as regards bathing, washing, laundry work, education, and recreation. Besides the powers possessed by municipal and other local authorities to erect dwellings for artisans, they possess, and are now more liberally using, powers to construct public baths, wash-houses, and laundries, libraries, galleries, schools, halls, and to provide public parks and recreation grounds (wherein music is often performed and games are furnished at the public expense). With this start made, the way stands open for the speedy extension of public enterprise. Socialists will strive to hasten the time when the poor shall by these co-operative methods be better provided for than the rich ; when the facilities for washing, for cooking, and the other operations of daily life in which co-operation is possible, shall be greater in the public establishments than any private enterprise can possibly provide.

In the matter of education, we have very much more ground to make up in England than you have here in America. We have not yet secured free education, even of the most elementary kind. That is what we are agitating for now, and shall probably get very soon. But this will be only a first step. We shall then have

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to agitate for the improvement of the elementary education as at present given, and for free higher education ; that is, for free public secondary and high schools. The ideal of Socialism is that the State (not necessarily the central authority) should supply, free of cost, the very best education that can be given ; and that this education should be continued until every pupil has been fully equipped for that calling for which he or she has been proved to be fitted. In short, we must work not only for free schools, but for free universities. The great obstacle to such progress in England is class distinction. The tendency is to provide separate state schools for rich and poor ; for example, by establishing so-called middle-class schools. That is the tendency we have to fight against ; and, by the introduction of a uniform school system, to deal a blow at the miserable class separation and pride which are the enemies of noble civilization.

As connected with the subject of education, it should be mentioned that an important demand made by advanced Radicals as well as Socialists is one for the provision of a free daily meal for all children attending board schools. At present, as I previously mentioned, many thousands of school children are unable through sheer lack of food to receive even the elementary teaching given in the public schools ; and it is argued that, if education is necessary, then it is necessary that the scholars should be rendered capable of receiving it. That is good logic and good sense.

I have now very briefly sketched the more immediate legislative reforms for which Socialists intend to work as leading towards the full attainment of their ideal ; but it needs to be pointed out that the political machinery, electoral, legislative, and administrative, as it now is in England, is very imperfect, old-fashioned, and quite inadequate to modern needs, so that its improvement is another matter for which Socialists are obliged to agitate. We have nothing like the clear and consistent — though, it would seem, not wholly perfect — system of the United States. We have to "democratize" our political institutions, to simplify and consolidate our electoral methods and districts, to decentralize and unify administrative functions. Hence Socialists include in their programme the following items : adult suffrage ; the abolition of all property qualifications and all privileges in voting and in representation (which includes the abolition of that decorative remnant of feudalism, the House of Lords) ; the payment of election expenses and of salaries to public representatives ; more frequent



Parliaments, probably annual. These reforms are not advocated by Socialists only. They are included in the recognized Liberal and Radical programmes. The same may be said of the proposal to reform the present anomalous and absurd laws for the registration of voters and the areas of electoral districts, than which nothing can be more puzzling and irrational. Lastly there is the reform of local administration. At present, the system is most confused and clumsy, and only an ingenious mind can comprehend it. Local authorities,—county, municipal, union, township, sanitary, highway, lighting, education, etc.,—whose jurisdiction extends over different, overlapping areas, have been multiplied until the adjustment of their powers and duties often perplexes the central adjudicating authority, the Local Government Board. The passage of the Local Government Act, 1888, is the first step towards the introduction of order into this chaos.

It must be borne in mind that these political aims which I have outlined by no means exhaust the practical aims of the Socialist movement. It relies on other forces for the accomplishment of its purpose. I do not speak of its educational work, its propaganda at elections and so forth; while, as for its effort to secure the election of Socialists to Parliament and upon local bodies, that may be held to come under the head of political aims. (Several Socialists have been elected on town councils, school boards, vestries, etc.) The leading principle of their extra-political work is to further any movement that will justly increase the power of labor against capital. Therefore, they are anxious to do all that can be done in the way of strengthening and increasing labor organizations, and in assisting the workers in strikes and disputes. Thus, when the girls employed in the great match factory of Bryant & May struck work last year, the Socialists took the matter up, organized the strikers, moved public opinion in their favor, collected and distributed funds for their support, and succeeded in getting them to unite to form a trades-union. The Socialist to whose untiring and judicious efforts the success of the strike was mainly due, Mrs. Annie Besant, was elected secretary of the union. It was a Socialist who took the directing part in the recent successful strike of gas engineers in London. It is a Socialist, John Burns, who has been the friend and leader of the dock laborers in their present strike. Annie Besant, it may be said, is a member of the London School Board, where she has a Socialist ally in the Rev. Stewart Headlam; and it was owing to her that the

School Board passed a resolution pledging itself in effect not to give contracts to firms who do not pay the trades-union rate of wages. This was an important point gained, and the example of this metropolitan board is almost sure to be followed by other public bodies. John Burns is a member of the London County Council, and he will shortly try to get that authority to make a similar regulation.

The efforts of Socialists to promote the closer union of the workers are not confined to England, but, as the international scope of the movement requires, are directed towards securing an understanding between the workers in all European countries. This work has produced good results, and is fostering a sense of international solidarity, which, as events have actually shown, is leading workmen on the Continent to refuse to replace their English comrades at lower wages.

In conclusion, let me say that Socialism is very much more as a revolutionary force in modern life than these practical aims would seem to imply. It has appeared as a new hope, not only to the needy and baffled wage-worker, but to many a despondent poet, philosopher, artist, and craftsman. And thus it is that the movement has become penetrated by an inspiring sense that it is the herald of a nobler epoch of civilization, the liberator not only of the down-trodden people, but of a corrupted art and literature and religion. On all sides, men and women are coming to see that the diverse evils and deformities of our civilization are closely connected with a fundamental social injustice, and that no fair flowers of life and deed can spring from a society that is rooted in dishonor, in a debasing struggle for riches, and in an estranging inequality. The significance of Socialism lies in the fact that it is at the core the expression of a new view of life; and yet not new in any absolute sense, but new to the average conviction and conscience of the age. At the heart of it lies the belief that we are, with our absorption in "getting and spending," missing the true end of life through a foolish care for the mere means of living. This is but to say again, in the language familiar to Christendom, that human happiness does not consist in the abundance of possessions, and that riches are a real impediment to the higher life.

If there is anything that convicts the modern world of insincerity, it is the appalling discrepancy between its profession and its practice,—the root of much prevailing cynicism and infidelity. "Ye cannot serve God and Mammon"; "a rich man shall hardly

enter into the kingdom of heaven"; "lay not up for yourselves treasures upon earth,"—reflect what a glaring unfaithfulness to these sayings the commercial and social life of to-day discloses! Socialism would have those who believe in such ideas turn and be faithful to them. As opposed to the present life of struggle for outward riches, it advances the ideal of a life of co-operation for that true wealth which is the enrichment of man's mind and heart with truth and beauty and fellowship,—a life not choked by material encumbrances, but clean and wholesome in its refined simplicity; a life which promotes the development of manly character and the full fruition of human powers for the good and enjoyment of all.

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SARATOGA PAPERS OF 1890

PART I.  
SOCIAL ECONOMY PAPERS: THE SINGLE  
TAX DEBATE

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1890

EDITED BY  
F. B. SANBORN  
GENERAL SECRETARY OF THE ASSOCIATION  
CONCORD, MASS.

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## INTRODUCTION.

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The papers included in this number of the *Journal of Social Science* are about half of the Saratoga papers of 1890. As some misapprehension may exist in regard to the publication of papers by the Association, it may here be said that all papers engaged for the General Meeting of the American Social Science Association are so engaged with the understanding that they may be printed in the *Journal of Social Science*, if the Council so decide. If, therefore, the writers choose to publish their papers elsewhere (to which the Council offers no objection), it must be with the stipulation that these papers may also be published in the *Journal*, at the option of the Council as to the time of publication.

A list of all the addresses and papers at the meeting of 1890 is printed on pages v-vii. Those belonging to the Departments of Education, Health, and Jurisprudence are withheld for the present.

The papers and the debate on the Single Tax are here printed in full, except that the two speeches of Mr. George have been condensed by him into one, which is printed from his own copy, and has been revised by him in proof. The remarks of Professor James, being *extempore*, could not be furnished by him; and the reporter failed to take them down.

The long address of Dr. Mayo has been printed out of its order, on account of the interest which its reading excited; and it was thought best, also, to print the report on Co-operative Banks at once, because the subject is one of constant inquiry.

A small special edition of the Single Tax Discussion is published by the Association, and may be ordered of the Secretary, F. B. Sanborn, Concord, Mass., at 30 cents the single copy, \$13 for fifty copies, and \$25 per hundred.

CONCORD, MASS., NOV. 1, 1890.

## GENERAL MEETING OF 1890

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The General Meeting of 1890 was held in Saratoga, beginning Monday, Sept. 1, and closing Friday, Sept. 5.

The President of the Association, Hon. A. D. WHITE, gave the opening Address Monday evening, Sept. 1, at 8 o'clock, in recognition of the 25th anniversary of the Association, on "*Instruction in Social Science*." On the same evening, at 9.30 P.M., the Report of the General Secretary, F. B. SANBORN, of Concord, Mass., was presented.

The Departments held sessions as follows : —

### TUESDAY, SEPTEMBER 2.

#### *Department of Education.*

9.00 A.M. Remarks by the Chairman, Dr. E. M. GALLAUDET, of Washington, D.C.

9.30 A.M. "*College Girls and Working Girls as Factors in Social Life*." A Paper by Miss F. J. DYER, Boston, Mass.

10.00 A.M. A Paper on "*Trade Schools*," by R. T. AUCHMUTY, Esq., of New York.

11.00 A.M. "*Education and Crime*." A Paper by Dr. W. T. HARRIS, Washington, D.C., followed by a Debate.

12.30 P.M. "*School Savings-banks as a Feature in the Education of Children*." By J. H. THIRY, Long Island City, N.Y.

8.30 P.M. Remarks by President WHITE, on "*The Future of American Colleges and Universities*."

9.00 P.M. "*The Middle Estate in the South*." By Rev. A. D. MAYO, D.D., of Boston.



## WEDNESDAY, SEPTEMBER 3.

*Department of Health.*

9.30 A.M. Remarks by the Chairman, Dr. H. HOLBROOK CURTIS, of New York.

10.00 A.M. "*Mental Health and the Newspapers.*" By Dr. F. W. RUSSELL, Winchendon, Mass., followed by a Debate.

11.30 A.M. "*Training of Attendants for the Insane.*" By Dr. WILLIAM D. GRANGER, Vernon House, Mount Vernon, N.Y., followed by a Debate, and by Remarks by Dr. WALTER CHANNING, of Brookline, Mass., on "*Physical Training for the Insane.*"

1.00 P.M. "*The Social Science Problems of Inebriety.*" By Dr. T. D. CROTHERS, Hartford, Conn.

8.00 P.M. Election of Officers of the Association.

8.30 P.M. "*The Tenement House: Its Influence on the Child.*" By Dr. MARY E. HERRICK, New York.

9.00 P.M. "*Tenement House Architecture.*" By EDWARD T. POTTER, Esq., New York.

9.30 P.M. "*The Status of Water in Modern Medicine.*" By Dr. S. BARUCH, New York.

## THURSDAY, SEPTEMBER 4.

*Department of Jurisprudence.*

9.30 A.M. A Paper on "*Municipal Reform,*" by President WHITE, followed by a Debate.

11.30 A.M. A Paper, "*Laissez Faire Run Mad.*" By H. L. WAYLAND, D.D., Philadelphia.

12.30 P.M. "*History of Voting by Ballot.*" By L. BENET, Esq., Brooklyn, N.Y.

8.00 P.M. "*Prison Science as Embodied in Recent Prison Legislation in New York.*" By EUGENE SMITH, Esq., New York, followed by a Debate.

## FRIDAY, SEPTEMBER 5.

*Department of Finance.*

9.00 A.M. Remarks by the Chairman, JOHN P. TOWNSEND, Esq., of New York.

9.30 A.M. A Paper on "*The Progress of the Financial Credit of the United States Government since 1861.*" By Mr. JOSEPH T. BROWN, of New York.

10.00 A.M. Report by the Secretary, F. B. SANBORN, on "*Co-operative Banks and Building Associations,*" followed with Remarks by Hon. SEYMOUR DEXTER, of Elmira, N.Y.

## FRIDAY, SEPTEMBER 5.

*Department of Social Economy.*

The day and evening were given to a thorough discussion of the "*Single Tax*" advocated by HENRY GEORGE.

10.00 A.M. to 1.30 P.M. Papers and Debates by

LOUIS F. POST, Esq.,	.	.	.	.	.	of New York.
Dr. W. T. HARRIS,	.	.	.	.	.	of Washington, D.C.
Hon. EDWARD ATKINSON,	.	.	.	.	.	of Boston, Mass.
SAMUEL B. CLARKE, Esq.,	.	.	.	.	.	of New York.
Prof. E. R. A. SELIGMAN,	.	.	.	.	.	of Columbia College, New York.
Prof. J. B. CLARK,	.	.	.	.	.	of Smith College, Northampton.
WILLIAM LLOYD GARRISON, Esq.,	.	.	.	.	.	of Boston, Mass.
HENRY GEORGE, Esq.,	.	.	.	.	.	of New York.

An afternoon session was held at 4.00 P.M., with a Paper on "*New Aspects of the American Tariff.*" By EVERETT P. WHEELER, Esq., of New York.

5.00 P.M. to 10.30 P.M. Papers and Debates by

JAMES R. CARRET, Esq.,	.	.	.	.	.	of Boston.
Prof. THOMAS DAVIDSON,	.	.	.	.	.	of New York City.
President E. B. ANDREWS,	.	.	.	.	.	of Brown University.
HENRY GEORGE, Esq.,	.	.	.	.	.	of New York City.
Prof. E. J. JAMES,	.	.	.	.	.	of Philadelphia.
Prof. E. R. A. SELIGMAN,	.	.	.	.	.	of New York.
Hon. EDWARD ATKINSON,	.	.	.	.	.	of Boston.

AND OTHERS.

CONSTITUTION, LIST OF OFFICERS, MEMBERS, ETC.  
OF THE  
AMERICAN SOCIAL SCIENCE ASSOCIATION.

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CONSTITUTION.

---

I. This Society shall be called the AMERICAN SOCIAL SCIENCE ASSOCIATION.

II. Its objects shall be classified in five departments: the first, of Education; the second, of Health; the third, of Trade and Finance; the fourth, of Social Economy; the fifth, of Jurisprudence.

III. It shall be administered by a President, as many honorary Vice-Presidents as may be chosen, a Treasurer, a Secretary, and a Council, charged with general supervision; five Department Committees, established by the Council, charged with the supervision of their respective departments; and such Local Committees as may be established by the Council at different points, to serve as branch associations. The Council shall consist of the President, Treasurer, and Secretary, the Chairman and Secretary of each Department, and ten Directors, with power to fill vacancies and to make their own By-Laws. The President, Vice-Presidents, Treasurer, Chairman, and Secretaries of Departments, and Directors shall be chosen annually by members of the Association, and shall hold office till their successors are chosen. The President, or, in his absence, a Director, shall be Chairman of the Council. The Chairman of the Local Committees shall be chosen at the pleasure of their respective committees. Whenever a Branch Association shall be organized and recognized as such by the Council, its President shall be *ex-officio* one of the Vice-Presidents of the American Association, and, together with the Secretary and Treasurer, shall be entitled to all the privileges of membership in that Association; and, whenever a Local Department shall be organized and recognized as such by the Council, its chairman shall become *ex-officio* a member of the parent Association. The Chairman and Secretary of each Department, with the consent of the President of the Association, may appoint such special Department Committees as they may think best. The General Secretary shall be elected for three years, unless he resigns or is removed by a two-thirds' vote of the members present and voting in a regular meeting of the Council; and, out of his compensation, he may pay the salary of an Assistant Secretary, who may also be Secretary of one Department.

IV. Any person may become a member by paying five dollars, and may continue a member by paying annually such further sum as may be fixed at the Annual Meeting, not exceeding ten dollars. On payment of one hundred dollars, any person may become a life member, exempt from assessments. Honorary and corresponding members may be elected, and exempted from the payment of assessments.

V. The Council shall have sole power to call and conduct General Meetings, and to publish the Transactions and other documents of the Association. The Department Committees shall have power to call and conduct Department Meetings.

VI. No amendment of this Constitution shall be made, except at an annual meeting, with public notice of the proposed amendment.

# American Social Science Association.

(Founded in 1866.)

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1890-91.

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## MEMBERS OF THE ASSOCIATION.

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[All Officers are *ex-officio* members of the Association; but persons serving on the Department Committees may or may not be members of the Association. In this present list, the annual members are given alphabetically, without reference to States; then the life members follow, classified by States; and, finally, the honorary and corresponding members. The only distinction between honorary and corresponding members is that the former reside in the United States, the latter in foreign countries. It is a rule of the Association to drop from the list of annual members those who have not paid their assessment for two years, but members so dropped can be restored to the list by paying their arrears. If former members do not find their names on the list as it now stands, it will generally be for the reason just mentioned.]

No List of Members of the Association, as printed, can ever be quite complete, so many changes occur by death and withdrawal, the accession of new members, etc. The following list is as complete as the Secretary could make it up to Oct. 1, 1890; but, no doubt, the addresses of several members are wrong, and there are instances of names misprinted, etc., of which the Secretary will thank any person to notify him when the fact is observed.]

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---

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## THE THIRD ESTATE OF THE SOUTH.

AN ADDRESS BY REV. A. D. MAYO, D.D.

(Read September 2, 1890.)

FROM the beginning of the European settlement even to the present year of our Lord, the most prominent object of interest and observation in what we used to call the Southern States of this Republic has been the relation of the upper and under classes of Southern society,—the slaveholding Anglo-Saxon and the lately emancipated Negro. Not only abroad, but at home, it has scarcely entered into the calculations of statesmen and economists that a great change in Southern affairs was impending that would bring another dominant class to the front. It was known that even in 1860 there were six million of white people in these Southern States who had no immediate connection with slaveholding, and that a number of people, smaller than the present population of Boston, representing, possibly, a population of two million, comprised the ruling class. It was expected that this middle class would be felt in arresting the movement for secession in 1861. And I believe that a decided majority of these people had neither the desire nor intention of striking for a new nationality. But, with the exception of the action of West Virginia and the stubborn loyalty of the mountain populations of the central South, this expectation was disappointed. We met these people on the battle-field through four dismal years, where they earned a reputation for good fighting which has made the name of an American soldiery illustrious.

But now, like a mighty apparition across the Southern horizon, has arisen this hope or portent of the South,—the Third Estate,—to challenge the authority of the old ruling class, and place itself where the “plain people” of every Northern State was long ago established, as a decisive influence in public affairs. South Carolina, the head and front of the old South, is now swept by a political revolution as radical as the emancipation of the slaves in 1865. Texas, where the old order never got complete foothold, is now passing under the same control, so easily that it is not half-understood what weighty concerns are involved in the coming political



movements of this growing State. Other States, especially on the Gulf, are rent by the same movement from below. It is evident that this is no surface or temporary affair. Its present political and financial theories will be largely modified by the rough discipline of responsible power. But the movement is in the line of American civilization, and, however checked or misdirected for the time, will finally prevail.

The wise observer of Southern affairs will greatly mistake if he insists on the exclusive observation of the old conflict of races and the political condition of the Negro. For the coming decade, the place to watch the South is in this movement of the rising Third Estate. What it demands and what it can achieve in political, social, and industrial affairs; what changes can be wrought in itself by the great uplifting forces of American civilization,—by education, including the influence of the family, the Church, and the school,—on these things will depend the fate of this important section of our country for years to come. And on the outcome of this movement hangs the near future of the race question,—whether the swarming millions of colored citizens in these sixteen States will gradually reach their fit position in the body politic, or the whole South be plunged into the horrors of a race war, which will once more demand the strong arm of the nation to save that section from suicide.

The present essay—the Third Estate of the South—is an honest attempt to give my own opinions concerning this, one of the most important movements in the history of the Republic. The assumption of infallible wisdom and the ventilation of wholesale theories, North and South, in the discussion of Southern affairs, is the misery of our public life. A virtual residence of ten years in this region, including all the sixteen States, with good opportunities for observation, has deepened the impression that, of all the social and civic puzzles that confront the American Social Scientist and statesman, no knot is so tangled, so difficult to be undone, so dangerous to be cut by the sword, as this. To-day the South, as a section, has passed into a permanent minority of sixteen of the forty-four States. But it is still possible to array these States again in a conflict that would inflict a wound on the Southern member through which the Republic would bleed to death. It is “easy as preaching” to embroil and exasperate whole commonwealths, great classes and races, in a permanent misunderstanding that not even another Washington or Lincoln

could reconcile. Even as concerns the South itself, the question is one of vital interest. The spectacle of the five hundred thousand white people of South Carolina split into hostile clans by a political campaign now foaming on the ragged reef of violence is inexpressibly painful and discouraging. I shall not try to deal with this question by the ambitious methods of grand analysis, abstract theorizing, or inflated prophecy. If I can cast a little sidelight upon this procession, as it moves on its twilight path, it may not be in vain that I occupy the time of the reader.

In the European sense, there never was a Southern aristocracy. The descendants of the few European families of the favored class who drifted to the colonies never had a perceptible influence after the War of the Revolution. The abolition of all special privileges reduced the superior colonial class to the condition of the leading class in a republic of white men. There was a social "upper ten," in the original Southern Atlantic colonies, that held on indefinitely. But that largely disappeared, as a family affair, beyond the Alleghanies, where the new leading class made its way upward by personal power and solid service as certainly as in the North-western States.

But, in the American political sense, there was and has been, up to the present time, a dominant class in this portion of the country more powerful for all the issues of public life than any order of nobility in Europe since the French Revolution. It was, primarily, a combination of land-holders; practically, an aristocracy of the dollar. From the peculiar condition of the country and its monopoly of certain industrial products, the people of the South adopted and tied itself to the system of slave labor, cast off by the North as unprofitable, impolitic, and dangerous at the formation of the Republic. Whatever of anti-slavery sentiment—and there was a great deal—lingered in the early history of these States was swept down stream by the gathering tide of the dominating industrial and political interests. So it came to pass, in time, that a great combination of men, separated from each other by abysses of social, religious, and educational repulsions, found common cause in the protection of slavery in the old and its introduction to the new Southern and South-western States. The diaries and correspondence of Judge Story and John Quincy Adams, during their early years in Washington, are full of this observation of the formidable power of this combination,—its skilful handling of Congress, its invariable success in every conflict with a half-conscious and divided North.

And, without indorsing the exaggerated rhetoric of our Southern college Commencements concerning the splendor of this class during "the Golden Age" of Southern society, we may grant to this combination the praise of remarkable ability and, on some lines, of broad foresight in national affairs. It was composed almost wholly of the ablest, most politic and persistent class in modern history,—the British upper-middle class,—modified by the influences and interests of its peculiar position on the edge of Christendom. It made all things subordinate to the chief end of favoring the Southern ambition to become the ruling power of the country. The professional classes became its spokesmen and allies. The leisure of its landed proprietors fostered a universal ambition among its young men for political activity as the be-all and end-all of life. Its schools were a reproduction of the British system of education a century ago,—universities, colleges, and academies for the upper white class, more completely under the administration of the Protestant clergy than the schools of Catholic Europe are now under the control of that astute priesthood, well adjusted to lift up the promising youth below to companionship with his betters, and elbow off the "common herd" into a wide-spread illiteracy. Its women, among the most brilliant and capable in the world, were no such tribe of imbeciles and idlers as we fancied in the North. The Southern matron in her plantation life was one of the most overtaxed and devoted working women of her sex. Outside this domain female culture gravitated to the social ability which gave her the lead at Washington, and till a late period made her the nation's best social foot put foremost on the shores of Europe.

This political aristocracy, in all vital affairs, governed the Republic till it was moved to rise up and divide the nation in 1861. It instigated and brought on the condition of war against the Indians, Great Britain, and Mexico, by which the country was distracted through its first seventy years. It was the author of the magnificent scheme of the expansion of territory which gave us the empire of Louisiana, Florida, Texas, the Pacific Coast,—all the additions to our territory except the latest purchase, Alaska. It led in the settlement of the West, following the sagacious policy of Washington, whose eye was always glancing over to the wilderness beyond the Alleghanies. Tennessee and Kentucky were in a blaze of Indian border war, while the North-west slumbered almost undisturbed.

It is difficult to understand why a class so able and astute in many ways was led on to the hazardous experiment of dividing the Union in 1860. With the Constitution on its side, with an indefinite power of Congressional obstruction, it could have kept slavery for a long generation, and made the country pay the cost of a modified system of emancipation. The reasons seem to be found in the absorption of a powerful society, engrossed in the work of self-preservation, in a strangely isolated position. Pushed off to the border of civilization with only a half barbarous Mexico and a boundless wilderness on the South-west, and a vast and lonely sea-board all around, shut off by its own theory and purpose from contact with the rising tide of progressive modern life, its literary, professional, and social influences all captured and held in subjection by the political intolerance which is the most unrelenting form of tyranny, it was not strange that its group of accomplished statesmen fell into the delusion, not only of their own sectional invincibility, but honestly believed that their political allies in the North would, in the last event, consent to their demand of virtual permanent control of the general government, or a separation on sectional lines. A distinguished citizen of Boston, during the summer preceding Mr. Lincoln's election, was for a time in daily confidential communication with Jefferson Davis. He reports that he found his distinguished acquaintance completely possessed with the idea of the military and civic superiority of the South, and the willingness of the dominant party in the North to consent to whatever it should demand.

How this came out we all know. The world has acknowledged the prodigious ability and matchless devotion with which the dominant class went through this desperate programme, to the terrible end of its own destruction. Its military commanders have furnished many forcible and picturesque and one noble figure to American history. Its statesmanship, now disparaged, was probably as competent as a cause so at odds with the trend of modern civilization would admit. But we do not yet recognize fairly the great services rendered to the South and the nation, later on, by this class, even in the demoralized state in which it was left by the war, when not one in ten of its families was found upon or has since stood on a solid financial footing. Its young men were scattered to the South-west, to the North-west, to the growing cities, leaving the open country in charge of a class that, in the old time, had little influence in affairs. Its women gathered up the wrecks

of a great destruction, in true American style; and to-day the young women of the better sort of Southern families are the hope of the country, rehabilitating the homes, the soul of the Church, the best school-teachers, the leaders in the temperance reform, on the lookout for all industrial opportunities that can be used.

The leaders in the war naturally became the leaders of reconstruction politics. And, whatever may be the verdict of history concerning the way in which the eleven ex-Confederate States have been placed in line to receive a share of the progressive life of the country, the display of ability has fully borne out their old reputation. The South to-day owes about all it has of order and law, the common school for all classes and both races, the restoration of its religious and educational affairs, to the administration of this class. The great obstacle to the progress of the Negro is not his old master class; for among these people are often found the wisest and most Christian views concerning the development of their old bondmen, and an amount of personal sacrifice and patience that only a constant observer can appreciate. I do not know what New Boston, with her five hundred thousand people, would do if suddenly overwhelmed by an avalanche of the seven hundred thousand South Carolina negroes, marshalled by our redoubtable friend, General B. F. Butler, in a solid colored contingent, to capture the city government, administer its vast interests, handle its twenty million debt, and, in public affairs, represent it to the world. I fancy the "weight of the meeting" would there prevail, by some of the numerous methods by which an Anglo-Saxon community everywhere, in the end, manages to put inferiority on the back seat and land the management of vital affairs in the upper story.

But it was inevitable that this long lease of power by the Southern dominant class should come to an end. In New England and New York, the aristocratic States of the old North, this change was gradually wrought,—by the educational influences that prepared the humbler classes, native or foreign born, for the responsibilities of power. Eighty-five per cent. of the men worth a hundred thousand dollars or more, in these States, began with nothing but this outfit. But in the South the progress of the Third Estate has been slow: indeed, until the past twenty years, it had hardly begun. But all things hasten, even in the piney woods or mountain realms of our Southland; and now, under the simple name of a "Farmers' Alliance," this mighty army of the common

people has been revealed, like a frowning mountain world uncovered by a rising mist. Already it may be predicted that the old order, as far as it depended on the European qualities of family and class training, has gone by. Hereafter, the South follows the North in the rush to the front of the fittest who survive. And the contest for place will be on industrial lines there as here.

For a time to come I believe the Negro question is to be held in partial subordination by this great uprising of the Third Estate. Certain it is that the attempt to lift the Negro citizenship of the South out of its natural place, the rear column of its civilization, will be a stupendous blunder. The child in a family, however bright and promising, can only play at being the equal of his elders; though he can make a big disturbance, break the harmony, and mar the peace of the household. To suppose that eight millions of citizens, in the condition of our Southern Negroes, twenty-five years out of personal slavery, can by any device be wrenched from their present position and shot ahead of the twelve millions of plain white people who have been on the ground for two hundred years, and must become the dominant power of the South for generations to come, is only to indulge in the dream of an enthusiast.

But whether the white man of the Third Estate can rid himself of the old theories of race and caste, and adopt the American idea that all men shall be fairly tested by what they can do, depends on many contingencies. Is it possible or probable, in a period sufficiently brief to avoid the danger of a disastrous race conflict, that this vast constituency can be brought over to the practical American view of giving to every child the great American chance in life? I do not know. But I greatly hope; and the sources of my hope, or some of them, I now declare.

When the history of the South descends from the realm of romance, where it still lingers, to the solid ground of fact, it will be seen how absurd everywhere outside the domain of legend is the impression of a radical difference between its original population and the old North-east. Nobody pretends that the South-west, beyond the Alleghanies, was peopled by a line of "gentler" descent than the North-west. About all the South had to show in Revolutionary days of great statesmanship and eminent patriotism was, like the similar class in the North, a descent from the respectable middle estate of Great Britain. But, when we turn

to the Third Estate,—always the majority, and now rising to the head and front of the new South,—we find the source of its power, as in the North, in the mixture of populations from a dozen sorts of vigorous European people. The Catholic Churchman and dissenting Englishman of various social degrees, the Scotch and North Irish Protestant, the early German of the Valley of Virginia, the Huguenot of South Carolina, the Highlander, Hebrew, and other miscellany of old Georgia, the Creole, Frenchman, and Spaniard, in Louisiana, all went into the seething cauldron of the early colonial life. Up to a generation before the war came in a steady immigration of excellent people from New England and the Middle States. I rarely visit a town in the five old Atlantic commonwealths that I do not find the descendants of these people,—always glad to renew the old-time associations with home. The accident of a change of residence alone prevented the Rhetts of South Carolina from being a Boston, and the later Winthrops of Massachusetts a Charleston, family. Along with this uniformly good stock drifted in at an early date a baser element, brought to the colonies on indenture,—the lower sort of the English cities, whose descendants even now in Maryland and Delaware rank low in the social scale. The growing power of slavery intensified the separation of the respectable sort from the common lot. The illiteracy of whole regions of the country wrought its perfect work in the “poor white trash,”—resembling the Northern tramp,—except that he is not only too shiftless to work, but too lazy to tramp.

How the strange population of the great central mountain world—near two millions at present—was formed nobody seems to know. This region was a mysterious “no-man’s-land” till the enterprise of the last twenty-five years revealed it, with all its natural sublimity and beauty and its industrial importance, to an astonished world. Perhaps from the Revolutionary Tories of the adjacent States, from criminals, outcasts, eccentrics, and broken-down people in general, with a sprinkling of more ambitious blood, was made up that people which, even now, seen among the mountains overlooking the valley of Virginia, but better observed in East Kentucky, Tennessee, Western North Carolina, and Northern Georgia, sends forth a louder cry for the missionary of civilization than any portion of the Republic.

So far as variety of material is concerned, the old colonial South had an equal mixture of blood with the old North. Of late

the trend of European immigration has not taken a Southern direction, and the per cent. of foreign-born population in all the Southern States east of the Mississippi is very small. A most interesting fact for the historical inquirer is the explanation of the origin of the Southern white people, and the romance of the reality will eclipse the glamour of rhetorical mist in which the origin of this section has been involved.

So it has come about that the present population of this grade in the South is far more homogeneous than in the North. The rough training of the pioneer life welded these various elements into one people. Even the Louisiana Creole is yielding. A leading merchant of New Iberia, the heart of the Teche district, told me that twenty years ago only one in five of his country customers attempted to speak English; while now only one in five is compelled to trade in French. A brisk colony in the North-west has invaded the prairies of South-western Louisiana; and a Congregational College, with a Yankee President, is established on the old domain of the Padres. Yet there are still great differences in education and efficiency in the different elements of this people. The coast country, including the immense piney woods empire, still produces a considerable population of a sort less hopeful than any other of whatsoever "previous condition." The lovely Piedmont region, surrounding the great central mountain realm of the old South, has a farming population greatly resembling the New England country people of my boyhood. The States beyond the Mississippi — Missouri, Western Arkansas, and Texas, the new South-west — have received more immigration since the war than all the rest of the South: of the best and common sort of its own; somewhat from abroad; from the North-west, whose people seem inclined to edge down into a milder clime; perhaps also a considerable return wave from the crowd that settled Southern Ohio, Illinois, and Indiana in bygone days. It is said a million young men from the Southern country districts have gone to the cities, the North-west and the South-west, since 1865. They have left on the ground, in some portions of the old South, a white population, so far as the men are concerned, inferior to the old-time occupants,—less capable of reclaiming the country, less inclined to deal fairly with the colored folk.

But it is almost hopeless to draw a diagram of the Southern Third Estate as it now exists. Nobody, even to the "manner born," can do it to the satisfaction of the Southern people; for



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the pride of State, locality, sect, and social condition — what Mr. Breckinridge calls “the provincial flavor” — are “solid” against any decided estimate of matters so delicate. Before the war, lines were more sharply drawn. While alert to capture and lift up to companionship and position the rising talent of the lower class, the old-time ruling set drew hard and fast lines between themselves and the ordinary non-slave-holding people. My first experience of South Carolina was in 1856,—in a stage-coach bound for the Catskill Mountain House, New York, filled with a brilliant Charleston group, chiefly ladies. Completely ignoring my presence, the only man of the company entertained his fair companions all the way up by his adventures on a tour through the upper counties of “his nation,” talking of the people there, amid peals of laughter, in a way that reminded one of Dr. Johnson and the *literati* of London a century ago, defining a Scotchman as “a good fellow, if caught early.” Till the war, a property condition of representation in the South Carolina legislature gave a power to the lowland slaveholders which was used in a way that has come back to plague the commonwealth in the new upheaval of affairs.

The Civil War was the great university of the lower masses of the Southern white people. The Grand Army caught them up in its all-enclosing net; locked them up in its fierce conscription; marched them all over their own country, with occasional visits to Northland, outside and inside a Union prison camp. To a people so preternaturally eager to see and hear and talk, this was a God-send,—the beginning of the blessing that has come to the Southern poor white man equally with his colored brother from the collapse of the Rebellion. The break-up of the old estates, especially in the Gulf region, brought large numbers of these people down to the lowlands as owners of farms. The opening up of Central Florida sent a wave of immigration from the piney woods people that still contests the Northern and Western occupation. The mighty development of the railroad system has remanded the coast country of the Atlantic and Gulf to a secondary place, and brought up the Piedmont region, in which a large number of thriving towns have arisen, and which, with the mining and timber lands, is the seat of the new Southern prosperity. The new South-west is growing almost as fast as the new North-west,—an exception to the old South, outside of special districts.

The marvellous growth in the South, of which we hear so much,

is largely a development of the mining country bordering the mountains, where a number of new towns have sprung up and capital is being invested; the lumber country and special agricultural districts. But much of the old landed realm is still in no condition to be rejoiced over. There are more people at work than of old, black and white. The division of farms has stimulated production. In certain quarters, skilled agriculture is taking the place of the old-time fumbling with the soil. New fields in Florida, Mississippi, and Texas are opening for the culture of cotton, fruits, truck, and staples. The country people are living somewhat better than ten years ago. But the intolerable "lien system," whereby the town merchant practically owns the land and enslaves its occupants, is a dispensation such as afflicts no large body of civilized people besides in our country. How multitudes of good folk can live at all under such a systematic plunder is only accounted for by their moderate demands for living and the impossibility of getting out of the deadlock alive. The attempt of a class of Southern politicians, in the interest of their pet economic theories, to compare the condition of this portion of their people with that of the farmers of New England and the established portion of the West is simply ludicrous to an observer of the different portions of the country. More than half the people in whole regions of the South outside the better class in the cities are compelled to live in a way that is unknown in these States, except to the lower class of the foreign-born, with little outlook for better times. But this country is capable of recuperation by capital, skill, and especially the occupation of small farms by industrious and thrifty people. In time, the better class of the Negroes will come into possession of a great deal of this open country and reclaim it.

It would greatly change the Northern estimate of Southern affairs, could the fact be understood that confronts the traveller through the length and breadth of the Southland,—that through vast regions, even of the older States, the people are living under the conditions of a border civilization. Not a border country in the sense of our new Western frontier,—a vanishing "out into the West," with a furious civilization, armed to the teeth with all the implements of modern progress on its heels. Not the terrible border life that railroad extension and the mining boom make in the new villages extemporized in a howling Southern wilderness. Hundreds of these new towns in the South, where the iron horse reins up and the great steam leviathan wheels round, are a refuge

for the drift and diabolism of the whole surrounding country, which appears regularly, on "dress parade," in the new city. One little metropolis of this sort in East Tennessee has enjoyed the luxury of a hundred murders since it was struck by the "boom." But this is the old-time border life, where people lived far away from each other and the world, with meagre privilege of travel, rarely used, the only town the county seat, and that not often visited. Here is developed an obstinate type of personal independence that stands out, like the iron handle of the town pump, in either sex. But what is not done that can be done in such a life? The man attends to his own little world; defends himself as best he can against wild creatures and wilder men; makes a sharp practical code of the neighborhood, that underlies the law of the land, and is administered far more thoroughly than the latter. These populations, once polarized by the plantation families, which made a centre of superior living, are now often left adrift by the decay of this class and the breaking up of the old order generally. The census of Virginia in 1880 showed not a quarter of a million of her people, even in villages. And, although the growth of what are called "cities" has been more marked during the past ten years, yet, outside of occasional districts, the vast majority of the Southern white people live in an all-out-of-doors style, not easily understood in the crowded communities of the old East and large portions even of the new West.

While this sphere of life is favorable to some of the primitive virtues,—hospitality, good feeling, and sociability,—and to the absence of some of the vices of great cities, yet the dearth of the agencies of the higher civilization is a fact almost incredible, unless experienced. Even Texas, the most prosperous Southern State, has yet no system of roads; and only three thousand of her eight thousand country schools have a school-house over their heads. The appalling loneliness of the vast "Lone Star" Empire has already driven more than a third of its people into villages and cities. But, in the older States, a full half of the people of both races live outside the opportunities for schooling, reading, churching, and the use of a tolerable press,—most of the modern agencies of social uplifting that are the commonplace of the North. The South, in winter, outside the towns, lies under a fearful embargo of mud, which shuts up the people to such a home life as can be enjoyed under the circumstances. The average country school does not last a full four months, is placed at

inconvenient distances, often kept in an unfit school-house,—a peril to the health of the children of the poorer people. Less than sixty per cent. of Southern children in the open country, where three-fourths their whole number live, represents the average attendance on school less than four months in the year. Probably not a hundred "cities" of the South now have a free library, or a good circulating library accessible to the masses of the white people. The city daily journals have a limited circulation away from the towns and railroads; and the country press is too often, at best, feeble and misleading. Thousands of people do not read that, but depend upon common report for news. The significance of the Scripture phrase—"wars and rumors of wars"—is apparent in a community largely dependent upon rumor and what the popular leaders choose to tell of public affairs. A considerable portion of middle-aged men are of the class that obtained little or no schooling during the war and the ten succeeding years, and have come up, a degenerate race from their parents, to shoulder the weighty responsibilities of the present. Here is the seat of the Negrophobia that often blazes out into violence and outrage. It is not the deliberate purpose or feeling of the better class of the Southern people, but the inevitable result of the friction between the races, where a considerable element of the dominant race is so removed from the higher influences of American life.

Yet the vast majority of this great population is of "native American" birth, and is all the time affected by the training-school of American life. The political speakers and preachers, the visit to the county town, the coming and going of the emigrating youth, the temperance agitation, the yearly revival meeting, the "boom," that is heard a great way off, like the thundering oncoming of the chariot of the Sun, the awakening eagerness to make money, which Dr. Johnson pronounced "about the best thing an honest man can do,"—all these influences keep the drowsiest realm somewhat astir, and form a sort of education to several millions of these people,—on the whole, better than schools without common sense. Even the mountain world is stirred to its silent depths. Twenty-five years hence, the class of people described in Miss Murfree's novels may be as difficult to locate as the bison of the Western prairies.

I rode a whole day, in South Carolina, with the son of an old Connecticut River railroad president, who was stumping the region

along the line from Charleston, S.C., to the Ohio River, soliciting grants of money and land for the route that will give the shortest access to the ocean from the North-west. A dozen great lines of travel are penetrating this marvellous wilderness, so long an enchanted land in the heart of the old Republic. In half a century, this section of mountain country will become one of the most attractive portions of the United States,—much of it more fit for occupation and agreeable in climate than a good deal of New England. These mountain people were loyal in the late war. Wherever the Union army penetrated, they fell in with *vim*. A hundred and forty thousand white soldiers were enlisted from this country,—twenty-four thousand more than from Vermont, New Hampshire, and Connecticut, seven thousand more than from nine of the present North-western States. Eastern Kentucky gave more white soldiers to the Union army than its entire number of voters.

In short, the Third Estate of the South is chiefly of good original stock, though for two hundred years content to sit on the back seat and rise up at the call of a superior class. But that drama is well on toward the fifth act. Radically sound, good-natured, energetic, looking in with all its eyes at the great, wide-open front door of the new American life, with the first enjoyment of the common school and the hunger and thirst for more; hearing, afar off, the loud sound of the “forging ahead” of the grand new South, earnest and devout in religious faith,—here is a material for American citizenship such as nowhere else can be found in this world. We may well consider what a conservative force in national affairs is here in training,—only needing the education of the time to bring to the front a people that will close up with the best elements of the Republic and “hold the fort” of an Anglo-Saxon, progressive civilization against all raids from home or abroad.

What can be done by the whole country to aid in the evolution of this people in the Southland? How can this great uprising be so directed that justice will be done,—not only to its superior class, which it will gradually displace and reconstruct, but to the eight millions of colored folk alongside of which it must live?

The first condition of social advancement is an understanding of the favorable elements in the problem. Even the “less favored” of this great population, the higher strata of which are well up, have several characteristics that deserve mention.

First, this body of the Southern people is not hopelessly committed to the fixed theories concerning government, social arrangements, and American affairs in general, which thirty years ago opened the "bloody chasm" we are all trying to fill up to-day. The exaggerated ideas of State sovereignty, the antiquated philosophy of eternal race distinction, the prejudice against modern ideas of education and industrial matters, which characterized the old leading class and still somewhat affect its rising generation, are not "to the manner born" with them. Indeed, a new State of the Union was formed in 1862 from the breaking out from these ideas by an important district of the Old Dominion. That the masses of the South have followed the leading exponents of these views, even through the destruction of civil war, is not decisive, since there had been little open discussion of such matters among them previous to 1860. But there are significant indications that, wherever the broader American ideas are fairly presented, without partisan or sectional animus, there will be found, in this quarter, a hearing that prophesies a hopeful future. The eagerness with which the country people have turned to the common school,—the special anathema of the old order in the old time,—and now for twenty years have supported it, bearing the chief burden of its colored department, almost to their full ability, and the constant demand for its improvement, is a case in point. Coeducation of Southern boys and girls has always been unpopular in respectable Southern circles; but in the common schools it is well-nigh universal, and is now introduced in the State Universities of three States. At the Miller Manual Labor School in Virginia, under the shadow of the University, four hundred youth of the humbler white class are schooled together, with a respect for womanhood worthy the higher ideal of the chivalry that interprets the Golden Rule. The special horror of the Southern upper class is the education of the colored and white races together. But at Berea, on the edge of Old Blue-Grass Kentucky, I found one of the best collegiate institutions of that State, where a large number of white mountain boys and girls were "improving their minds," and making manhood and womanhood, with a third as many lowland Negroes, with absolutely no friction. Of course, the old-time notions concerning labor have passed out of sight of this, the rising industrial class of the South. I do know what political policy or party in national affairs is to prevail in the future. But I am sure that another twenty years of fair opportunity to present the broad-gauge Amer-

ican idea of affairs to this people would result in a state of opinion that would leave the country safe, whatever party might dispense official "pie" at Washington.

Second, I believe in this people will be found a mine of enthusiastic and intelligent patriotism. The war against the Union was not an uprising of the Southern masses, but a deliberate policy of the class that had its confidence,—never seriously contemplated by three-fourths of the Southern people. Once in, they fought, as American men always do when that is the business on hand. But, long before the bitter end, it was understood that the hearts of great numbers of the Confederate soldiery were no longer in the cause. I was informed by a distinguished gentleman in Richmond that months before the end, on a tour through the mountains of Virginia, he met great numbers of deserters and disaffected people who did not propose longer to fight for a cause that boded so little good for their kind. The non-slaveholding class has no such prejudice against the Negro as the master class: indeed, this prejudice is far more a repulsion of caste and a memory of "previous condition" than a theory of race. They do not especially love the Negro: the lower strata look upon him as a dangerous rival in many ways. But it will not need a miraculous conversion to convince them that the welfare of an American State consists in standing by equal rights, justice, and fair play all round, leaving vexed questions of social import to regulate themselves, as they invariably will.

Third, another special trait that has attracted my attention from the first is the teachableness of the children of this class, with a reverence for superiors and confidence in those they believe friendly and unselfish. There is no better material than great numbers of these youth for the natural methods of teaching, which wake up the desire for improvement, spite of untrained manners and habits of living. I live among boys and girls who are making such efforts to gain a scrap of the opportunity so bountifully flung into the streets before all the children of our Northern cities as makes this one of the most pathetic spectacles of American life. All the stories that have thrilled the churches of the North concerning the eagerness for knowledge of the young Negro can be paralleled among the children and youth of the humbler white class, with the important difference that the average white child of Anglo-Saxon parentage, even of illiterate descent, seems to have at the bottom of his mind a pair of pincers by which he takes fast

hold of what goes in, and generally reveals the power of heredity in a people for centuries the leaders of the progressive society of the world.

All these and other elements of hopefulness encourage the apostle of the new American life in his dealing with the most needy of this class, and insure the hearty co-operation of the upper strata. And, now, what can the North and the nation do to hasten the coming of this great uprising among twelve millions of white American people, on whose future relations to American ideas the fate of these great commonwealths depends?

First, it can aid, in all public and private ways, to put on the ground a good working system of country common schools, of at least six months' duration a year, where all children can receive the elements of education, with the moral and social discipline which is "half the battle" in the training for American citizenship. As fast as the simple elements of industrial training can be imparted, it will be well. But the great need of the Third Estate youngster of the South is a revival of brains that will open his eyes to the wide world outside the home lot and form a habit of good reading and sound thinking on what is ahead of him. That itself will be a great industrial uplift, and in time revolutionize the methods of unskilled labor which are the chief hindrance to Southern advancement in material things. I still hold to the deliberate opinion that the country people of the South are doing about all they can for their common schools. Special districts will be able to approach the cities and villages in their ability for local taxation. But for two hundred years the common people of the South have been taught that "taxation is tyranny," and that "economy," even pushed to public stinginess, is the ideal of good government. Even were this pestilent heresy exploded, and the people convinced that wise and generous taxation is the life-blood of Republican society,—since, of all things, American civilization is the most expensive in the outlay, though the most economical in the income,—the power to bear taxation for putting on the ground the vast educational plant required for the white and colored schools, chiefly at the expense of the white population, burdened as at present, is not there. The persistent denial of this fact by a portion of the Northern metropolitan press, in the interest of the land agents and the investors in Southern capital, has gone far to publish a report that Dr. Curry pronounces a "stupendous humbug."



To my mind, the defeat of the Senate bill for National Aid to Education, last winter, was such a mistake that, could it be fathered on either party, it would entitle that combination to a retirement from power for a quarter of a century, on the ground of political incapacity. No critic of New England, however malignant, has drawn a bill of impeachment of Yankee statesmanship so formidable as was furnished by the votes of five New England Senators that accomplished that defeat, representing three States that lead the Union in the enjoyment of educational opportunities. A cause so manifestly just and wise and essential to Southern progress as some form of national aid for the time needed to put the educational affairs of these commonwealths on their feet is sure to come up for renewed action. The bill of the venerable Senator Morrill, for additional aid to agricultural colleges, including those for colored people, which has passed both Houses of Congress, is fraught with positive good. These schools are among the most valuable in the South, especially for the youth of the poorer classes. With the re-enforcement of fifteen thousand to twenty-five thousand dollars a year, they can be greatly improved, becoming everywhere, as they have become in Mississippi and Texas, an important element in the movement for skilled labor for all people. A generous system of national aid for education, administered, as it could and would have been, by the State educational authorities established at the close of the war, would have saved us from the bitter antagonisms awakened by the election bills of the present day. Said a radical politician to William H. Seward concerning the fugitive slave law,—one of the most mischievous ever enacted by Congress,—“What would you have done, as President of the United States, had that bill come up to you from Congress?” “If I had been President of the United States, that bill would never have reached the White House.” The statesmanship that will save our country is that which works at long range, on the lines of the great uplifting agencies of civilization, in hope of gradual and permanent advancement, dispensing, as far as may be, with the old bungling rule of the sword and constable beyond the line of personal disobedience of the law.

Third, industrial education, in its broadest and most practical form, with good schooling in the elements of English, must become a great factor in the uplift of the new South. All the arguments used for its application to the Negro have full application to the children and youth of the Third Estate. Especially is this

true of the young women of this class. The lower forms of woman's work, with an increasing push into the operative and other modes of profitable labor, are falling into the hands of the colored women. Large numbers of these girls, in the excellent industrial mission schools of the South, are becoming successful workers in a variety of occupations for women. Whether the white girl of the South is to "lie off" and "play lady," while her colored sister "toils and spins," or take her part in the rising sphere of profitable industry, the three hundred and fifty ways by which an American woman can get a respectable living, is to be decided by this movement for the training of the hand of the rising womanhood of the South. Several of the Southern States already admit girls to the agricultural colleges. But the Mississippi plan seems the most popular. This State supports a great Industrial and Normal School, with free tuition for white girls,—a sort of college "of all work," where a young woman can get a good academical education and be trained for teaching while compelled to take some branch of industrial training. Though somewhat hindered by political interference in its administration, this school is becoming a positive success, and reflects great credit on a group of admirable women who pushed it through the legislature, and are still watching by its cradle. Georgia is about to establish a similar school at her old capital, Milledgeville. The plan is so feasible that I look to its establishment in all these States.

Bishop Atticus G. Haygood, the foremost educational and religious leader of the whole Southern people, has inaugurated his elevation to a bishopric in the Methodist Church, South, by a wise and noble plan for a great school of a similar class for Southern white girls, in the Alabama mining country, on the border between "down South" and the North, where the daughters of the impoverished rich and the ambitious poor can be educated at a rate that will enable thousands of good girls to obtain their great and only chance for education. The next million that goes down that way from Northern benevolence should be given to Bishop Haygood, in whose hands the vanishing surplus of the United States Treasury would have been wisely invested in "the building for the children" of the people of all conditions in these States. It is one of the delusions that still abide in too many minds that the great industrial need of the South is cheap and unskilled labor, the toil of an ignorant peasantry. The desperate need of the

South is intelligent labor in the masses, under the leadership of trained commanders of industry,—an army that will go forth “conquering and to conquer,” into this marvellous world of opportunity.

The white masses of the South need to be brought in range of that system of agencies of the higher American civilization now in operation even in the most remote North-west, and which are the glory of the more prosperous States. It is impossible to describe the difference in the mental atmosphere in which a bright boy or girl, in an average county in South Carolina, Alabama, or Louisiana, is brought up, and that amid which his cousin lives, in Massachusetts, Ohio, or Wisconsin. It is all the difference between living in a country where the whole environment is educational and a country where education is a special thing and the youth is, all the time, compelled to push out of his ordinary surroundings to gain it. A free library in every neighborhood, a better class of newspapers, a movement to “add to faith knowledge” in the church,—all these, now rapidly coming to the front in the prosperous cities, still wait for their day in the open country. Yet here is the place, almost the only place left in American life, where is yet leisure from engrossing work. Oh, what a boon to us hurried and wearied mortals would be that precious leisure, flowing like a great quiet river through these rural districts of the Southland! Here is the place where all these beautiful and beneficent agencies would be best appreciated by the children and youth, who would accept them as eagerly as the children of New England, fifty years ago; springing to them as to a bounteous feast.

And is not the group of men and women already known who can bring the philosophy of Social Science down from heaven to abide upon earth, and put into simple statement, in leaflets or short readable tracts, the knowledge that makes for good living and true prosperity? The South is now drugged with the theories of professional politicians. Now the tariff, now the Negro, now the railroad, now the distant millionaire, is paraded up and down as the cause of “agricultural depression,” the source of all Southern woes. Now let the Social Scientists “take an inning,” and tell the people what wasteful housekeeping, bad cookery, unskilled labor, unfit dress, ignorance, superstition, shiftlessness, vulgarity, and vice have to do with the undeniable trials of these, with other multitudes of the less favored of our American people. A rail-

road conductor, with a big head on his shoulders, said to me : " All along this route of five hundred miles the people would read tons of leaflets, tracts, anything containing good, sound information and advice on common things. I could distribute all that anybody would give me."

But why go on? Here is a people, not inferior in capacity to any upon earth, of the best original stock, appearing for the first time as a controlling element in sixteen great States of the Republic, in whose hands is the destiny of other millions just introduced to American citizenship. On them will depend the outcome of Southern affairs for the coming generation more than upon all the rest of the country. What an appeal to the patriotism, the justice, the Christian spirit, of the whole American people ! But alas for the sin, the shame, and the discouragement which stand between such a people and all that come to them in friendly co-operation ! I live all summer in sight of money enough thrown to the dogs and to the devil to place on the ground, in any of these States, the agencies which their own noblest people are all ready to use for the public good. When the great Protestant churches, that still work at cross purposes along the border, learn the wisdom of Christian statesmanship, close up their ranks, and pour a stream of Northern money into this the most fruitful mission field on earth, there will be more hope of the coming of the kingdom for which their prayers go up day and night before the Lord.

The conviction forces itself upon a careful observer of these States that the time has passed when any set of leaders, any political or ecclesiastical party, can solve the difficult problems now set before them. It is doubtful if the foremost men, North and South, who were once arrayed as enemies in war, can ever "see eye to eye," or repose that confidence in each other without which all dealing with matters so delicate involves an ever-recurring exasperation. Napoleon said, "When a great thing is to be done in public affairs, keep away from the leaders, and go to the people." "The people" that will finally bring peace, confidence, reconciliation, through all our borders are the children and youth now being trained all over the land for the grandest effort of Christian administration that ever confronted a generation of men. And the Southern children on whom we are to largely depend, thirty years hence, for this glorious work of reconstruction and reconciliation are the boys and girls of this rising Third Estate and the Negroes, the youthful millions that now swarm this land of the South. The

best we can do is to hold things as good as they are, with the hope of making some little headway year by year against sectional prejudice, provincialism, and all the enemies of the new Republic. But greater than all other things is the work to which we are called,— the education of the head, the hand, and the heart of the twenty millions of Young America. Then, as Thomas Jefferson said, “if we educate the children aright, our descendants will be wiser than we, and many things impossible to us will be easy to them.”

## THE WORK OF TWENTY-FIVE YEARS.

A REPORT BY THE GENERAL SECRETARY, F. B. SANBORN, OF  
CONCORD, MASS.

READ AT THE QUARTER-CENTENNIAL MEETING OF THE AMERICAN SOCIAL  
SCIENCE ASSOCIATION AT SARATOGA, SEPT. 1, 1890.

*Mr. President and Members of the Association,*— In this age of anniversaries, we are met to-night to keep our first quarter-centennial; and we are exact to the year, if not to the day. It was on the 2d of August, 1865, that, as Secretary of the Massachusetts Board of State Charities, I drew up the call for a meeting in the State House at Boston, which assembled Oct. 4, 1865, and there organized the "American Association for the Promotion of Social Science," whose twenty-sixth general meeting we are holding to-night. At that assembly of 1865, the then Governor of Massachusetts, John Albion Andrew, presided, and about three hundred persons, many of them eminent in science, in philanthropy or in literature, took part in the proceedings. As organized, the Association consisted of 175 members, of whom, as I compute, only about sixty are now living, several persons of great eminence having died since last we met here. Of those living many have grown old and are no longer able to take part with us; others are enfeebled by illness, resident in distant regions, or so occupied with other cares that they no longer continue their membership. Their places have been taken by others, from time to time, of whom also hundreds have died or grown old, or for various causes withdrawn from active participation in our work. At present we have a fluctuating membership of from 250 to 300 persons, and the co-operation each year of a few other persons who are not members, but who render us occasional and important service. The limits of our country and of our field of study are so vast that many of us never see each other from the beginning to the end of the year; and we are only conscious of continued life by the public evidence of some inquiry pursued, some useful work undertaken, or some long-suffering and patient cause at last brought to success by their efforts. The illustration of this may be found in the life-record of some of our original members who have died in the past year.

At the first formal or general meeting of our Association in December, 1865, Professor William Atkinson read a paper calling attention to the merits and defects of the British civil service laws then in force, and proposing a better enactment for the same purpose in the United States. Charles Loring Brace, of New York, read a paper on "Sanitary Science and Legislation," recommending the measures that have since been almost universally enacted in our country. Edwin Chadwick, then the most illustrious sanitarian of Europe, in a letter accepting membership of our Association, soon after made valuable suggestions as to the work which we could do in several directions; and Dr. John S. Butler, of Hartford, called attention to the necessity of doing something in America for the better classification and care of the chronic insane. These four members of our Association have all died within the past six months; each one of them unwearied in the pursuit of philanthropic good and scientific truth, and each living long enough to see much fruit from his labors. Professor Atkinson did not die till he had witnessed the fundamental conception of civil service reform implanted in our local and national polity,—often enough disregarded to be sure, and perverted in practice, but definitely fixed as a principle, which will in course of time work out its own practical development. Mr. Brace not only saw the principles of sanitary science recognized in communities which, twenty-five years ago, were as ignorant of them as the Pawnees are of organic chemistry, but he had built up with his own hands, aided by the friends whom his virtues brought to his side, one of the largest and most beneficent private charities in the world,—the Children's Aid Society of New York. Dr. Butler could look about him in serene old age, and observe on all sides the unconscious development of the ideas to which his life had been devoted, and to which he had never been unfaithful. Sir Edwin Chadwick honored at last with the title which had long before been bestowed on more complaisant and shallower men, spent his days, almost to the great sum of ninety beneficent years, in leading the people by expostulation and practical demonstration along the wholesome path of cleanliness, frugality, self-reliance, and the humbler virtues, of which he never failed to be the teacher and promoter. Hardly one of these earnest men, whose being was an incessant activity, could have said what good work he had not promoted or rescued from failure, so ready was their sympathy in whatever advanced the cause of a better civilization, so minute and condescending

were their labors in fields which the humble cannot see and which the powerful overlook or despise. It was said of John Howard, foremost in a long line of modern philanthropists, that "he trod an open but unfrequented path to immortality." It was the distinction of these four men whom we lament that they held the attention of mankind to what needed correction on the most frequented road-ways of civilization, and what, but for them, might have been passed by, as it had been, for a thousand years, without amendment or concern : —

"Within their books the world is plainly set  
Before our vision;  
Each keen physician  
May find there wisely writ what we have met  
Along the dusty path,  
And o'er the aftermath,  
Where natures once world-daring held the scythe."

The members of our Association just mentioned were men who devoted much of their activity to indoctrinate others with sound opinions and with practical views concerning the matters to which they gave attention ; but there have been others, equally interested in the good of mankind, who taught by example or illustrated by their experience the lessons that the world ought to learn. Among these was Mr. R. B. Forbes, of Boston, who for many years was connected with that great ocean-commerce which New England once controlled, but has now unhappily lost, and who was an expert in everything relating to the navigation of the seas. We profited by his experience during his long life, which covered the whole period of commercial activity in the United States. Let us hope that with him, and the stalwart merchant sailors and merchant princes of his class, did not finally perish that bold enterprise, nautical skill, and world-ranging spirit which elevated commerce from a gainful pursuit into a liberal profession. But they will die out, and with them much of the peculiar greatness and good fortune of American merchants, if foreign commerce is to be treated either as a felony or a misdemeanor, and if its American directors are suspected and watched as if they were enemies of their country.

It is to discover and amend what is wrong in the habitual life of men that social science applies itself most usefully,—not to promulgate broad theories or insist on ambitious panaceas for every human ill, but to consider the ailment and apply the remedy



patiently and repeatedly, as a mother heals the hurts of her children. Social Science, the daughter and the mother of civilization, finds in this paradoxical genealogy nothing more paradoxical than herself; at once the result and the cause of profound instrumentalities working to alleviate human misery and exalt human life above the material necessities out of which its wretchedness and its exaltation mysteriously flow.

A little earlier than our society was formed, Lord Brougham and some of his friends had organized the British Social Science Association, which continued in action about thirty years, and was for much of that time a guiding and stimulating force. But there, as in our own case, the movements originated by the parent society weakened the parental vitality; and the British Association practically ceased to exist some years ago, leaving other organizations to carry on the same work by specialization. Our Association also has given birth or furtherance to the National Conference of Charities, the National Prison Association (which will soon hold its twentieth anniversary at Cincinnati), the American Public Health Association, the Economic Association, and other bodies now in active life; but, in the process of extending and specializing our work, the vigor of the parent society has been somewhat diminished. Meantime, the country has grown enormously in population and wealth, in diversity of interests, and in the needs which our Association can best supply. In many matters which it would be tedious and a little too self-laudatory to enumerate, the country has profited much by the labor of our members; and many questions have been investigated and brought through the stages of discussion, legislative enactment, and experimental trial since we first met in Boston five-and-twenty years ago. A new set of issues (together with some of the old ones) now confront us, and demand no less attention and debate than did those we have been considering for a quarter of a century.

In the few months which I recently spent in Europe, I found that several of the topics that are new to us are old there, while many of the questions which there arouse apprehension and alarm have either been settled or quieted in this newer country, where the people have been trusted with more political power than is yet given to them in the most democratic countries of Europe. Even in Switzerland, which is in form the most democratic of European countries, and, in fact, has gone as far in that direction as any except perhaps Greece, there seems to exist among the

educated class a certain dread of what the multitude will do when political equality shall prevail, which surprises and amuses an American, who has seen political equality exist in his own country for generations without any of that spoliation or degradation of the fortunate, which is the haunting fear of property and intelligence all over Europe. I take it that this "red spectre" is a legacy of the great French Revolution, kept in view to our time by occasional revolutions of a minor sort since 1792. It seems to me the mission of America to lay this ghost. A very acute and logical Swiss writer, whom I had the pleasure to meet, Professor Charles Secrétan of Lausanne, in a work published some years since, and much read in Switzerland, states with moderation the prevalent European view in these words:—

A democracy (*l'Etat démocratique*) can do no more than give an imperative form to the desires of the multitude,—a combined result of the intelligence, the needs, the passions, and the prepossessions of the multitude. The natural tendency of the multitude would be to equalize material conditions in the shortest possible way. They do not threaten property as such, for they share or they desire its possession; but they are unfriendly to those who seem to own too much, and in the pursuit of equality they urge on measures that may dry up the sources of wealth for the community. Democracy is moving in this direction almost everywhere; and, if the current does not change, it must inevitably reach that result. If the poorer classes cannot make their wish prevail in a constitutional way, they will try to win by force. To repress such attempts menaces liberty, redoubles social hatred, and yet will not always succeed, perhaps, in averting a catastrophe wherein civilization might disappear.

M. Secrétan draws from these sad auspices a wise moral,—that the warring classes of European society must approach each other on the side of morality and the affections, and must not depend for the solution of the social question on economic laws alone, still less on political agencies. "The economic question," he says, "in the last analysis, is a moral question." This is the view even more definitely taken by the Le Play societies in France, so well described to us last year by Mr. Brooks; but these French societies, upon a nearer inspection, prove to be rather too reactionary and hierarchical for our unqualified praise. I ventured to present to M. Secrétan the American point of view: that the people can be trusted with power, without the least fear that they will ultimately abuse it, though they will make mistakes in its first use; that, while we have many inconveniences resulting from democratic instability

## CHARLES LORING BRACE.

Charles Loring Brace, a member of this society from its foundation and a frequent contributor to its *Journal*, died at Campfer, in the Swiss Tyrol, Aug. 11, 1890. Mr. Brace was born at Litchfield, Conn., June 19, 1826. His father, John P. Brace (Williams College, 1812), was a man of varied accomplishments. His profession was that of a teacher; but in several departments of natural history, and notably in botany and mineralogy, he was regarded as an expert, and did much original work in Litchfield and Berkshire Counties. He was well read in history, composed music, wrote several books, and in the later years of his life left the profession of teaching to become the editor of the *Hartford Daily Courant*. In 1833, he came from Litchfield to Hartford, to take charge of the Hartford Seminary, and Charles pursued his preparatory studies for college in the Hartford Hopkins Grammar School, and entered Yale in the fall of 1842. In several departments of reading and study, not included in the preparatory course, he had been trained under his father's care, and he was regarded by his classmates as being the most thoroughly educated man in the class. After graduation in 1846, he spent several years in teaching, pursuing at the same time a course of theological study at New Haven and New York.

In 1850, he, with two companions, inspired by Bayard Taylor's example, travelled through England, France, and Germany on foot; and later Mr. Brace went alone through Austria and Hungary, where he fell under suspicion of the Austrian Government, still nervous from the affairs of 1848, and was imprisoned as a dangerous person in the fortress of Gros-Wardein. He managed with considerable difficulty to convey information of his situation to Hon. Charles J. McCurdy, at that time our ambassador at Vienna, who at once interested himself warmly in his behalf, and succeeded in effecting his release.

On his return, he published "Hungary in 1851," giving an account of his experiences there; also, "Home Life in Germany." Before his visit to Europe, he had become interested in philanthropic work; and much of his time was spent, especially in Ger-

many, in examining the organization and working of charitable institutions. The outcome of this was the formation in 1853 of the Children's Aid Society of New York; and the organization and development of this immense and beneficent charity henceforth constituted the work of his life. It was laid out on the broadest lines, and so appealed to the judgment as a most useful and beneficent undertaking that help flowed in from all quarters; and, after the first few years, the necessity of personal solicitation for its support almost disappeared. This is not the place to go into the history of the work; but that history, whenever written, will be the history of the life of our associate.

His tastes and interests, however, extended to a much broader field. He had a strong constitution, great physical activity and endurance, and an immense power of work. In 1854 he again visited England, and in 1856 Norway and Sweden, and wrote "Norse Folk." In 1862, he published "Races of the Old World," a summary of ethnologic knowledge up to that date. In 1864, he published "Sermons to Newsboys." In 1867, he caught typhoid fever in his labors among the poor, and went for recovery to California. He utilized this journey by writing "The New West." In 1872, he published "The Dangerous Classes of New York and Twenty Years' Work among them," a work of great value, dealing in the most practical way with the causes of crime and the remedies which can be made available in a great city. In 1882, he published "Gesta Christi," a history of the influence of Christianity on civilization as shown in the modifications of law and the customs of society through the influence of Christianity. This work has already passed through five editions, and is perhaps the book by which the author's place in literature will be most firmly established. His last book, however, "The Unknown God," published early in the present year, is a work evincing patient and judicious scholarship, and breathes throughout an eminently catholic spirit, which was particularly characteristic of the man. In addition to his labors in charity, which were his life-work, and his various books, which he regarded rather as his recreation, he has been a constant contributor on a great variety of subjects to the daily press, and has written many articles for magazines, mostly on topics connected with his special work.

He was a genial companion, a lover of sport, a great pedestrian, and carried always a breezy enthusiasm which rendered him a delightful friend. He was utterly devoid of dogmatism; and his

mind always seemed in an attitude of inquiry, ready to receive with hospitality all suggested thought. One would have imagined from his air of easy receptivity that he would have been readily imposed upon, but this was by no means the case. He was intensely fond of speculative thought, and at times seemed almost dreamy; yet few men have excelled him in those administrative qualities which call for practical judgment and sagacity.

In May of this year, feeling that he needed rest, he went abroad with several members of his family, and spent some time at one of the German baths. He thought he was benefited; and, leaving the baths, he went higher up into the mountains to perfect his cure. Chronic troubles, however, which had probably existed for some time, but had hardly been more than suspected before, now attacked him in force; and he sank rapidly under them.

FREDERICK J. KINGSBURY.

WATERBURY, CT., October, 1890.

## ANNUAL REPORT ON CO-OPERATIVE BUILDING AND LOAN ASSOCIATIONS.

COMPILED BY F. B. SANBORN, GENERAL SECRETARY.

Those peculiar organizations known by various names, and now seeking to accomplish some things inconsistent with their original design,—the Building and Loan Associations, or Co-operative Banks,—are perhaps still increasing fast in the country as a whole. A year ago, we estimated their number at 4,500, but this was evidently below the mark. In December, 1888, I said (*Journal of Social Science*, No. 25), “At least one or two associations are formed every week-day at present in the whole area of the country, so that 5,000 will soon be the number.” I suppose, in fact, that there are now not less than 5,300 of these co-operative banks in the United States, of which there are, in

All New England, about . . . . .	150
New York, . . . . .	375
New Jersey, . . . . .	200
Pennsylvania, . . . . .	1,200
Delaware and Maryland, . . . . .	225
Ohio, . . . . .	750
Indiana, . . . . .	400
Illinois, . . . . .	500
Wisconsin, . . . . .	50
Michigan, . . . . .	60
Minnesota, . . . . .	150
Iowa and Nebraska, . . . . .	150
Missouri, . . . . .	200
Kansas, . . . . .	130
Kentucky, . . . . .	200
Tennessee and the South-west, . . . . .	300
Southern Atlantic States, . . . . .	100
California and the North-west, . . . . .	150
Total, . . . . .	5,290

These numbers are approximate only, for in few States can the exact number be given; and the increase from year to year is very unequal in different parts of the country. We have from the Bureau of Industrial Statistics in Pennsylvania some recent informa-

tion concerning these organizations in that State which may be cited. Mr. Albert Bolles, Chief of the Pennsylvania Bureau, says:

Out of, perhaps, quite 1,200 building and loan associations in the State of Pennsylvania, we have collected the yearly financial statements of 538 associations. The reports, whose statements have been carefully analyzed, show:—

Total number of shares, . . . . .	782,506
Shares pledged for loans, . . . . .	201,117
Cash receipts for one year, . . . . .	\$18,372,178
Cash expenditures for one year, . . . . .	17,419,155
Cash on hand at end of fiscal year, . . . . .	953,023
Paid stockholders, withdrawals, and matured stock, . . . . .	4,647,284
Current expenses, one year, . . . . .	204,454
Total assets, . . . . .	42,157,148
Total gains, . . . . .	8,102,090

Mr. Bolles then proceeds to extend this information by estimate and average, so as to cover the 1,200 actual associations in Pennsylvania. These 1,200 associations or co-operative banks, he thinks, have, in the aggregate, as follows:—

Shares, . . . . .	1,735,700
Borrowing shares, . . . . .	448,800
Assets, . . . . .	\$94,030,800
Receipts, one year, . . . . .	40,978,836
Disbursements, . . . . .	38,853,156
Cash on hand, . . . . .	2,125,680
Withdrawals and matured shares, . . . . .	10,365,684
Expenses, . . . . .	456,024
Gains, . . . . .	18,071,352

This is the largest estimate and based upon the largest number of *bona fide* returns from building associations which has ever been made in the United States; and, therefore, the averages found existing in these Pennsylvania associations become very important, and throw much light on the present contention between the local and the so-called "national" companies. It appears by the following figures that the average receipts of each one of the 538 Pennsylvania associations sending in reports were \$34,149 in 1889, and that the average current expenses of management were only \$380. This is but little more than *one* per cent. on the receipts, which, in the whole 538 companies, amounted to the great sum of \$18,372,178. Now, a single one of the new "national" companies, the United States Savings Loan and Building Company, of St. Paul, Minn., with a "subscribed capital" of

\$4,301,700, and receipts in its first year amounting to \$184,645.76, reports its expenses as \$17,786, or more than *nine* per cent. of its receipts paid out for current expenses of management. At this rate, the current expenses of managing the 538 Pennsylvania companies, with their \$18,000,000 of receipts, would have been \$1,750,000 instead of the actual sum, \$204,454, and the profits would have been reduced from \$8,102,090 to about \$6,556,000. The averages for Pennsylvania are thus given, by Mr. Bolles, for the year 1889 :—

## AVERAGES FOR EACH ASSOCIATION.

Shares, . . . . .	1,454
Shares borrowed on, . . . . .	374
Cash receipts, . . . . .	\$34,149.03
Cash expenditures, . . . . .	32,377.63
Cash on hand, . . . . .	1,771.40
Withdrawals and matured stock, . . .	8,638.07
Current expenses, . . . . .	380.02
Profits, . . . . .	15,059.46
Assets, . . . . .	78,359.08

## DIVISION OF ASSETS.

Loans, . . . . .	\$73,131.13
Real estate, . . . . .	2,179.83
Cash, . . . . .	1,171.40
Sundries, . . . . .	1,276.62
Total, . . . . .	\$78,359.08

Of these 538 Pennsylvania companies, 1 was organized in 1853 and 28 before 1869; but more than 400 of them are less than twelve years old, and nearly half are less than five years old. Mr. Bolles further says :—

A conservative estimate of recorded building association mortgages in Pennsylvania would be \$90,000,000. Generally speaking, such a mortgage is not a debt, but emphatically *a creation of new wealth*. Suppose, for example, that 81,600 persons were, before they became members, paying \$12 a month for rented houses, or in all \$11,750,400 per year. They form associations with 180,000 other persons, who have previously obtained homes, and who agree to deposit various sums per month, and hand the money over to the 81,600 borrowers to build homes with. At the end of 142 months, or less, it is found that what the borrower had formerly paid as rent has by this system earned him a home entirely free from debt; and 81,600 persons are the owners of \$90,000,000 of real estate that they have accumulated month by month. Instead, therefore, of the mortgages being debts, they are assets in prospect, and real assets to the extent of the amount



actually saved and paid in. From observations made by the writer, the opinion is formed that of the possible \$90,000,000 of recorded mortgages fully \$27,000,000 have been saved toward full and final ownership,—in other words, that all building society mortgages now on record could be satisfied by the payment of 70 per cent. of their face value.

It would seem that the present value of each share of stock in Pennsylvania averages about \$54; but, as the par value is sometimes \$200, sometimes \$100, and may be as low as \$50, this figure gives us little indication as to the time when the shares will mature. It is assumed, however, by Mr. Bolles that this time will be about twelve years. The average reported profit on each share is \$10.35, which would point to a shorter time,—nine years and eight months; but it would not be safe to reckon on this.

The \$90,000,000 in Pennsylvania mortgages above estimated have accrued in something more than half a century; and their repayment, when completed, will have added that sum and more to the real estate of that commonwealth. No other State can show such a record, but Ohio is fast following in the footsteps of Pennsylvania. The largest local associations are now in Ohio, at Dayton and Toledo. The People's Association at Toledo in 1889 had receipts amounting to \$256,718 and current expenses of management only aggregating \$1,753,—less than one per cent. of the receipts. The St. Paul "National" Association above mentioned, with receipts \$72,000 less, paid more than *ten times* as much (\$17,786) for expenses of management. At this rate, it is hard to see how the "national" company can keep going and pay even a small percentage of interest, yet this particular St. Paul company offers 24 per cent. interest. Comment is hardly needful here. It is plain that somebody is going to be greatly disappointed. The Cincinnati *Co-operative News*, from which I draw these facts, gives also this concise account of the formation and modification of the local associations in the whole country.

The building association movement has, since its inauguration in the United States fifty years ago, appeared in three distinct forms.

(1) The first associations were of the terminating order. In these all the members were compelled to join at the beginning of the association, and all the shares matured at the same time. These were genuine building associations, and proved useful and popular. Terminating associations have now largely disappeared, though a few are still in existence.

(2) The second form of the association was the serial. In this the members were classified according to their time of joining. The shares of each class were of the same date, and matured at the same time. The serial is plainly a development of the terminating. Serial associations, like the type from which they sprung, were genuine building and saving societies, and were useful and popular. This form of association also is still in existence: they are the most numerous.

(3) The third form was a marked change from the original type. This form, taking its name from the place of its origin, is awkwardly styled the "Perpetual" or "Ohio plan." In associations organized on this plan, members may join or withdraw at their pleasure without loss to themselves or detriment to the association. This is the popular form of association at the present time. It adapts itself more readily to the convenience of members than either of the older forms. The introduction of this plan marked the beginning of the real popularity of associations, for it is since that time that they have sprung up in such large numbers.

These have been the marked steps in the development of the building association movement. The institution is recognized as yet only in its infancy. Who can tell what the next improvement will be? Experience develops new difficulties and emphasizes old ones.

The rapid growth of these organizations has stimulated many speculative movements, one of the most active of which is the creation of the so-called "national" associations, which, instead of confining themselves to a single city, extend their membership and their loans over several States, and aspire to include the whole country. They are banking institutions, but they have none of the peculiar safeguards of the small and local co-operative banks. They have organized a League of *General* Building and Loan Associations, the whole number of which in the United States is about 150: of these, 15 are in the two cities of Minneapolis and St. Paul, 15 in Chicago, and 10 in New York City. Most of these, when honest, are real estate investment companies, whose object is to collect capital, from the East, if possible, and invest it in the newer States of the North-west or in growing communities at the South. To this there is no objection, except that it is a business proverbially risky, and very unlike the small and domestic scale upon which the co-operative banks ought to proceed. But there are other national associations whose purpose does not seem to be honest: rather are they opportunities for gambling speculation, in which the investors are likely to be losers. Both the local and the national associations are preparing

to influence legislation in the several States where they are strong, or where hostile legislation is feared. This contest is to be regretted, but it is probably not the local associations which will suffer most from it.

The statistical Bureaus in the several States now deal so thoroughly with the facts concerning the Building Associations and Co-operative Banks throughout the United States that it may not be necessary hereafter to keep up the annual report of this Association. There are numerous periodicals devoted to this interest, of which the most candid and useful which comes to the Secretary is the *Co-operative News* of Cincinnati. Many manuals also exist for the use of members, among which may specially be named Judge Dexter's and Mr. H. S. Rosenthal's.

# The Single Tax Discussion

HELD AT SARATOGA SEPT. 5, 1890.

Reported for the

American Social Science Association,

And Edited by

F. B. SANBORN.

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CONCORD, MASS., OCTOBER, 1890.

## INTRODUCTION TO THE SINGLE TAX DISCUSSION.

During the absence of the Secretary of the Social Science Association in Europe, in the spring and summer of 1890, the Acting Secretary, Rev. JOHN GRAHAM BROOKS, of Brockton, Mass., made arrangements for a debate on the proposition long since brought forward by Mr. HENRY GEORGE, that all the revenues for the support of all the governments should be raised ultimately by a special and exclusive tax on Land Values, or what is sometimes called Economic Rent. Mr. GEORGE was at that time out of the country; but it was expected that he would return in time for this discussion, as, in fact, he did. Several of those who support his proposition (Mr. S. B. CLARKE, Mr. LOUIS F. POST, of New York, and Mr. W. L. GARRISON and Mr. JAMES R. CARRET, of Boston) undertook, in his absence, to see that their case was fully stated and argued; and this also was done in the presence of Mr. GEORGE. On the other side of the case, Professor JOHN B. CLARK, of Smith College, Professor EDWIN R. A. SELIGMAN, of Columbia College, Mr. EDWARD ATKINSON, of Boston, and Dr. WILLIAM T. HARRIS, the United States Commissioner of Education at Washington, divided between them the arguments against Mr. GEORGE's proposition; and President ANDREWS, of Brown University, and Professor THOMAS DAVIDSON, of New York, who had both looked with some favor on the general views of Mr. GEORGE, were invited to give their present impressions on this special subject. It was not known on which side these two would range themselves; but, when their papers were read (for both were absent) it, appeared that they also were in opposition to the single tax. This fact has prevented an equal distribution of the speakers on the two sides of the controversy; for *five* only took the affirmative, while *six* took the negative of the question. Moreover, Professor SELIGMAN, Mr. GEORGE, and Mr. ATKINSON, all spoke *twice*; and, while Mr. GEORGE put both his speeches into one report, the other two gentlemen are twice reported. This may give an appearance of unfairness to the discussion, which was not intended, and which was not the fact. Although neither side quite met all the arguments of its opponents, because most of these were prepared in advance, yet enough was known through previous publication to warrant a fair presentment of the case on both sides, and it is believed this has been done in this Report. The remarks of Professor E. J. JAMES, of the University of Pennsylvania (which, by accident, were not reported), were regarded by Mr. GEORGE as favoring his view; but it is probable that this would not appear to be the fact if they had been taken down. Assuming that they were favorable to the single tax, these remarks, together with the Single Tax Platform, would make the affirmative side nearly equal in space to the negative; but neither party complained of lack of time, or that the other party took too much of the debate.

The whole controversy is here printed, in order to lay before the public the deliberate, though conflicting, opinions of many persons who have observed and reasoned long on one of the most complicated and difficult problems of modern government,—the methods and results of Taxation.

## DISCUSSION OF THE SINGLE TAX.

Friday, Sept. 5, 1890.

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### I. WHAT THE SINGLE TAX OF HENRY GEORGE IS.

BY SAMUEL B. CLARKE, ESQ., OF NEW YORK.

In the July number of the *Century Magazine* there was a debate between Mr. Atkinson and Mr. George, in which each charged the other with not understanding what the single tax is. This sterile issue between the disputants in that debate has suggested to me that we are not likely to make much progress in the present discussion till we shall have first found out what the subject of discussion is; and that I could not make better use of the time allotted to me than by trying to make it clear, without arguing it on either side and without pronouncing any judgment upon it. Of course, it will be understood that I am not authorized to commit anybody else to what I shall say. I shall give merely some of the impressions which have been left upon me after examining and reflecting upon Mr. George's writings and the criticisms which they have called out.

As I understand it, the underlying principle of the single tax is that public revenues ought to be raised by taxing the exchange value of land in preference to the products of labor. To some critics of Mr. George this statement seems to involve an absurdity, or, at least, they affect to believe that it does. For (they ask) in what else can any tax be paid except in the products of labor? Of course, if the statement of the principle meant that any tax could be paid otherwise than in labor products, it would be nonsense. But such is not the meaning. The meaning is that men should not be taxed in proportion to the labor products which they produce, sell, consume, or own, but in proportion to the exchange value of the land which they own and exclude others from,—land not being itself a labor product, but being an indispensable requisite for producing anything.

There is nothing novel in the distinction thus made between land and the products of labor. It is a familiar distinction which everybody is, or by a little reflection, may become, fully conscious of, and which is made by political economists (without any exception, so far as I know) the first postulate of their science. J. S. Mill begins the first section of the first chapter of the first book of his treatise on political economy thus, "The requisites of production are two,—labor and appropriate natural objects." Plainly, this postulate distinguishes "appropriate natural objects," or land, on the one hand, from the product, which, if I may say so, is engendered by the coition of land and labor on the other. It is upon this plain and well-understood distinction that Mr. George bases the single tax.

The single tax is therefore an *ad valorem* tax on land substituted in place of present taxes. It is not a specific tax. No one will be called upon to pay anything merely because he owns a tract of land. Unless his land has a money value, the tax will not touch him. If his land has no value, his owning it gives him no advantage over other men, otherwise they would be willing to pay him something for it. If, after a time, his land becomes valuable, he will then begin to feel the tax, which will always adapt itself automatically to the fluctuations of value, rising as the value rises and falling as the value falls.

The single tax is not a tax on the improvements on land, such as buildings, fences, drains, and wells. No matter how valuable the improvements may be, the owner of land will pay no tax unless the land itself, if all the improvements upon it were to be destroyed, would still command a price.

How is the land value to be ascertained?

I imagine that it would be necessary, or at least expedient, to establish, for the purpose of taxation, some unit of land for assessors to work upon; and it might be expedient to divide all the land of the State into a few broad classes, and establish a different unit for each,—such as a lot measuring 100 by 25 feet in cities, a somewhat larger lot in villages, and so on. The basis of classification, and what would be the most suitable units, are matters of detail which have not yet been discussed. It is not necessary to consider them now, in order to see how the appraisal would be made. Take any specific tract within your personal knowledge. No matter what tract, so long as you look at it in the light of its surroundings, and so long as you keep in mind

the fact that it is bounded by definite lines, which nobody may pass without the consent of the owner, except under peril of finding the whole power of the State arrayed against him. The question to be solved is, What is the right to the exclusive occupancy and use of that specific tract, for the term of one year, worth in money? it being understood that, for the purposes of appraisement, all distinguishable improvements upon the tract are to be deemed non-existent, and that at the end of the year the occupant may continue to hold the land for a second year on paying the tax for that year, and so on indefinitely.

There does not appear to be any great difficulty in reaching an answer to this question that shall be approximately accurate. Our present taxes on real estate lay fully as great a strain on the intelligence and good sense of the assessors as they would be put to in dealing with this question. There are, however, one or two principles by which the assessors must be guided. *First*, they must not make any allowance for improvements which lie outside the lines of the particular tract under consideration, except, perhaps, for public improvements in the neighborhood, part of the cost of which has been charged upon that land. *Secondly*, there may be evidence of ancient improvements within the lines, which probably affect somewhat the present value of the land, but which cannot be clearly separated from it. No allowance is to be made for such improvements. They will be provided for in another way. *Thirdly*, in dealing with distinguishable improvements within the lines, no allowance is to be made either for their original cost or for their present value. The land is to be valued as if those particular improvements were destroyed, or as if they never had existed. *Fourthly*, the question is not what the land is worth to the owner or to any other single man, but to men in general. If one man by superior skill and industry can make the land more profitable to himself than another could, the tax is not to be augmented on that account.

It is not proposed to exact the entire annual value of land thus ascertained. There are several reasons why this should not be done. For example, while the value of land can be approximated with reasonable accuracy, there is no way of ascertaining it with absolute precision. An expert will tell you that a piece of land is a good purchase at \$900, a bad one at \$1,100, and a fair one at \$1,000; but he will refuse to say that it is worth exactly \$1,000, not a cent more or less. If the entire annual value as



ascertained by the assessors were exacted, there would be a very considerable risk of encroaching upon the value of improvements; and this, of all things, is what the single taxer most wishes to avoid. And, again, some allowance should be made for undistinguishable improvements, and perhaps in some cases for improvements on neighboring tracts owned by the same person as the tract under consideration, or by some predecessor in title. Accordingly, all single taxers that I know of concede that a fraction only of the annual value as ascertained ought to be taken. What this fraction shall be is a detail which has not been much considered. Mr. George says as near the whole annual value as may be possible. Mr. Thomas G. Shearman thinks that 65 per cent. would be about fair. And I suppose no single taxer would think his principles outraged if, at the outset and until we shall have had experience to guide us, only 10 per cent. of the annual value is taken by the land value tax.

This method of fixing the basis of the tax would apply to the great bulk of the lands in the State, such as urban, village, and farm lands. There would be more difficulty in the case of lands whose value depends upon peculiar uses, such as railway lines and mines.

Could this tax be shifted? Could the landlord throw the burden of it upon his tenant? Could the farmer and manufacturer transfer it to the purchasers of their products? This is a question of cardinal importance; for, if the answer to it is in the affirmative, the scheme of the single tax is completely upset. There does not, however, appear to be any good reason to suppose that the tax could be shifted. The single taxer does not deny that the annual value of land, a part of which would be taken by his tax, can be recovered by landlords from tenants, and by manufacturers and farmers from their customers. Indeed, the fact that it can be recovered, and is now actually recovered, is one of the foundation-stones of his argument. What he says is that, in order to shift the burden of the tax, it would be necessary for the landholder to recover it *twice*, once for himself and once for the State; and this, he says, is impossible so long as competition among land-owners prevails. The fact that the land-owner would have to pay a part of the land value to the State would give him no greater power over tenants and customers than if he were compelled to pay his debts with it, or than if he voluntarily endowed a hospital with it. We may be very sure that, if there were any way in which land-owners

could obtain more than the annual value of their land, their self-interest would lead them to do it under the present *régime*; and the fact that they do not do so now is conclusive evidence that they could not do so under the single tax, and that the burden of that tax would rest on them, and them alone. Whatever the land-owner could in fact recover from other persons would show what the value of his land was, and so fix the tax upon him. He could no more escape it than he could run away from his shadow.

I think what I have now said makes a complete outline of the single tax; but a clearer conception of it may be got by noticing some of the effects which its substitution for present taxes would tend to bring about. I will first enumerate some of the beneficial effects. And inasmuch as opponents of the single tax are somewhat inclined to test it by the false principle that, if it is not a complete cure for poverty, it is nothing at all, I will mention such benefits only as appear to be most certain.

*First.*— Speculation in land and the holding of land unused and unimproved would be discouraged. If a man were obliged to pay every year the full rental value to the government, what motive would he have for holding any land except for the purpose of immediate use?

*Second.*— The present taxes on food, clothing, tools, materials, houses, etc., would be reduced, and, if the land value tax proved adequate for the support of government, they would be done away with altogether. This means a cheapening of price, an increase of demand, and a stimulation of industry all along the line.

*Third.*— The pressure upon every owner of land would be to get as much out of as little as possible. This means an intensive and improved cultivation of the soil.

*Fourth.*— The capitalized value of land would be reduced to a capitalization of so much of the annual value as was not taken by the tax. Consequently, every man could more easily obtain a separate home for himself than now; and capitalists could start new enterprises with less capital than now, or larger enterprises with the same capital.

*Fifth.*— There would be a closer approximation to equality of opportunities among all the people.

*Sixth.*— The power which the rich now have of using the immediate and imperious necessities of the poor as a whip to drive them into unfavorable contracts,—contracts which are similar in kind to usurious contracts, and to forced sales of property on legal

process, and which are typified by Esau, while weary and hungry, bartering his birthright for a dinner,—this power would be diminished. There unquestionably is a social force at work, the tendency of which is to keep the poor poor, and to make the rich richer. I think that every man who by superior abilities or good fortune has reached affluence from poverty has felt it, at first working against him, and, after he had passed a certain point in his career, working for him,—at first pressing him down and later buoying him up. No doubt this force would continue to operate under the single tax, but its intensity would be less. This means less initial difficulty in the accumulation of wealth, and a more equable distribution of it.

What evil effects would there be ?

I can see that in the transition from the present system there might be some hardships put upon persons who have made investments in land, and that, if the transition were sudden and abrupt, such persons would be cut to the bone. Nobody, however, proposes to make the transition abruptly. If the programme of the single taxers is carried out, only short steps toward the goal will be taken at any one time ; and, after the first, no step will be taken, except in the light of the experience already gained. Should this cause any inconvenience or hardship, it would be temporary only, and ought not to bar the way to a permanent improvement in civil government.

What other evil effects would there be ? One has been suggested to me. The point of perfection in the theory of the single tax would be an ascertainment of annual value with absolute precision and the exaction of it by government to the last cent. Suppose that to be done. Suppose a mechanic by hard work and thrift to have scraped together money enough to buy a lot in the outskirts of a city or village, and to build there a modest house for himself. Suppose, now, that the neighborhood improves, and that all the land thereabouts, including his lot, becomes very valuable. The tax which he would have to pay would increase, and might become so heavy that he could not pay it. He must abandon the lot. And he must also abandon the house and lose the value of it ; for nobody wanting his sort of house would be any better able to pay the tax, while wealthier persons, who might be glad to take the lot, would be unwilling to pay anything for the house, as they must be at the expense of pulling it down, so as to be able to use the land for their purposes. In other words, the

single tax, at the point of theoretical perfection, might compel this mechanic not only to change his residence, but to sacrifice the products of his labor.

This, to my mind, is a pertinent criticism of the pure theory of the single tax; but it does not take account of the single taxpayer's practical programme. The capitalization of that part of the annual value which was not taken by the tax would be apt, in the case supposed, to give the mechanic an abundant compensation for changing his residence and losing his house.

What other evil effects will there be? I shall be grateful if some opponent of the single tax will point them out.

We shall get still further light on our subject if we consider its bearing upon two great questions, which are now agitating the mind of the people,—protection to domestic industries and the drink-trade. It is not necessary that the single taxpayer should be a free trader or that he should believe in free rum. All that an acceptance of the single tax requires is that imports and liquors shall not be taxed *for revenue*. But the tax power of government may still be used as a means for crushing or restricting the drink-trade and for diversifying domestic industries and altering the conditions of international trade. A striking illustration of such a use of the tax power is presented by the federal tax on the circulation of State banks, which has yielded practically no revenue, but has established a uniform currency throughout the land.

## 2. THE SINGLE TAX.

BY THOMAS DAVIDSON OF NEW YORK.

A tax is a portion of private property claimed by the State or the community for public uses. States and societies exist to secure for men certain goods or blessings which men individually cannot secure for themselves. Among these are "life, liberty, and the pursuit of happiness." States and societies secure these blessings by certain combined activities, and these demand a certain amount of means. The individual, accordingly, is asked to sacrifice a certain portion of his private property, in order that the State or society may be enabled to secure these blessings for him. Such sacrifice has never been regarded by any right-minded man as a hardship or an oppression. A small good is sacrificed, in order that a greater may be realized.

This is the ordinary and obvious view of the justification of taxation. But there is a much more profound and fruitful view than this. When we reflect that it is only through the State and the community that men are able to realize any rights at all,—that they can have any rights in any worthy sense,—we see that all right to property is a gift of the State, and has its origin in the State, or, which is the same thing, in man's nature. It is man's nature to be a member of a State, and to find his true being therein. Hence, when we say that men have natural rights, we speak truly; but we mean men whose nature it is to be citizens. If that were not their nature, they would have no rights. The lion has no rights; and it is for this reason that he depends solely on might, and never rises above the animal into rational life.

The right to property being a gift of the State, individuals are not making any sacrifice for the State when they are paying taxes. They are simply helping to give reality to that institution which makes property possible at all. The true way to regard property is to regard it as a gift from the State. And, when I say property, I do not mean things, but the right to the exclusive use of things. In a communistic world there would be no property; but there might, for all that, be plenty of things, and things extensively used.

Now, things that are capable of becoming property are produced either by nature or by man, or by both together. But, whatever their origin, they are all equally in the gift of the State, as being the true expression of human nature. It is generally held that men have naturally, and in a sense not human or civil, an indefeasible right of property in the things which they produce or, with only the help of nature, aid in producing; and this right the State, on the whole, allows, but not at all for the reason assigned. It does so because such an arrangement has been found, or at least is supposed, to be more conducive than any other to the realization of those ends for which the State exists. If a man produces infernal machines, or, in some places, if he produces whiskey, the State refuses to allow him the right of property in them. Nay: almost every State refuses to grant to an inventor the right of property in his invention beyond a brief period of time; and yet, of all things, an invention is most distinctly the product of an individual man. Writers of books, as we all know, are treated in the same way, and, I believe, justly so.

The same reason which induces the State to grant to individuals property in what they produce induces it to grant them property in what they do not produce,—because it is best for the ends of the State that it should do so. When the State gives a man property in land, his right to that property is as good as if he had produced the land. There is thus no rational principle upon which the State can grant a man property in his own productions, and refuse it to him in land, unless it be that the former is conducive to the ends of the State, while the latter is prejudicial. And, inasmuch as a tax is a refusal of right of property, there is no other principle than the above to justify the State in taxing land otherwise than it taxes other things,—things produced by man. This conclusion gains greatly in force, if it be admitted that whatever value land has is communicated to it by human labor, inasmuch as it abolishes the distinction between natural value and value produced by man.

But it is just in this connection that the argument of those who contend for an exclusive land-tax finds its plausibility. It takes this form: Labor, being that which alone imparts value, constitutes the natural right to property; but, whereas all other things having value as property derive that value from the labor of individuals, land derives its value from the growth of the community: therefore, while the former are rightfully private property, land ought

as rightfully to belong to the community. Now, every single step in this argument is false. The premises are both doubly untrue, and the conclusion does not follow from them.

In the first place, that labor is the sole creator of value is not true. This doctrine, upon which Karl Marx based his revolutionary socialism, has already been rejected by all the more thoughtful men, even among the socialists; and, indeed, it is so obviously incorrect that only the exigencies of a theory could induce any one to accept it. The special value (and I mean the exchange value) of a bottle of old Port or Madeira is not due to the labor exerted in producing it, but to the mellowing action of nature. It would be interesting to inquire to whom the value thus imparted belongs on the natural-rights theory; but I refrain.

In the second place, labor, even granted that it were the sole creator of value, does not constitute a right to property in its own results. We have already reached this conclusion; and it only remains to add that the doctrine here controverted rests upon a false view of man's nature and of his relation to the State,—a view which assumes that man is man, and, as such, has rights, prior to, and independently of, the State, the State being a mere accidental though convenient arrangement for the protection of natural life and property.

In the third place, even if we grant that labor is the sole creator of value, it is not true that the value of all valuable things, except land, is due to the labor of individuals. It is in most cases very largely due to demand on the part of the public, and this is a social matter. Hence that value which renders right of property desirable is in great degree, though by no means exclusively, a social product. And, if all value ought to be the property of its producer, it would follow that the public has a right of property in almost everything produced by its members. This would lead us straight to socialism; and, indeed, it is difficult to see how those persons who believe in the single tax can avoid being forced on by their own principle to socialism. This is so true that a considerable number of the English socialists are men who, having accepted the single-tax doctrine, found themselves compelled by its principle to go beyond it. The principle upon which socialism and, I may add, its extreme opposite, anarchism, rest, is this: that men have rights prior to and independently of the State, and that among these rights is this,—that all value belongs to him who produces it.

In the fourth place, it is not true that land derives its value from the growth of the community. What is true is this: that land derives its value from the activity of the wealth-producers who occupy it; and to this value some contribute much, some little, some nothing, and some less than nothing. The man whose genius or talent sets on foot a new industry, say pottery, contributes much; the workman who works faithfully at the pottery, little; the man who produces only what he consumes, nothing; the idler or the pauper, less than nothing. Now, upon the natural-rights theory, a large share of the land ought to belong to the first, a small share to the second, none to the third, and less than none to the fourth. Thus, even upon its own principle, the single-tax doctrine is self-contradictory. It is true, to be sure, that much of the value of land may be fairly said to be a social product; but it is true only to the same extent as it is true that all value is so. In this respect there is no difference between land and other things. In all cases, value is created by individuals, not as being individuals, but as living and sharing in the social union. Society could produce no wealth if the individuals composing it were idle, and the individuals would produce little wealth but for the institutions of society. Since, however, every man is equally a member of society, it is clear that we cannot employ the social factor in the production of wealth to determine its distribution without falling into socialism, nationalism, or, indeed, if we were entirely logical, into absolute equality of wealth for all mankind. But, since both the universal reason, as revealed in history, and the individual reason equally reject this, it follows that, if the State is to take account of either of the factors of production in the distribution of wealth, it must be the individual one. There is indeed, as we have seen, no other reason why it should choose even this except the desire to realize its own end; and this is in fact the reason for the choice. Whatever point of view therefore we take, it is perfectly evident that the value of the land, that which makes it desirable as property, does not originate with society, and therefore does not justly belong to society. Like all other value, it belongs to individuals in the proportion wherein they have each contributed to produce it. It follows that there is no reason for forbidding property in land more than for forbidding property in anything else.

In the fifth place, even if all the premises above cited were true, (1) that labor is the sole producer of value, (2) that productive labor forms the natural title to property, (3) that the value of



everything but land is due to the labor of individuals, and (4) that the value of land is due to the growth of the community, the conclusion that the value of land ought to be public property would not follow. In fact, it is reached only by means of that logical fallacy known as a *quaternio terminorum*. This, in brief, is the reasoning:

Whatever value is produced by labor belongs by natural right to the laborer;

The value of land is produced by the growth of the community;

Therefore, the value of land by natural right belongs to the community.

"Growth," being substituted for "labor" in the second premise, gives us a syllogism with four terms, which is no syllogism at all. If we remove the fourth term, by substituting "labor" for "growth" in the second premise, the conclusion will not follow. Labor is always an individual matter; and, since its amount differs for different individuals, the value contributed by different individuals will be different, and ought, on the theory of natural rights, to be distributed in proportion to their labor.

Thus we see that the whole argument for the single tax rests upon false premises and illogical reasoning. It rests, moreover, upon a low and unspiritual view of man, of the State, and of the relations between the two. It looks upon man as an animal, with animal rights; upon the State as a mere convenience for securing animal rights; and upon the relations between the two as unessential to man's existence as man.

What is true of the single-tax theory is true of several other recent economic theories,—socialism, anarchism, and the like. They all proceed upon the assumption that men have rights, as mere individuals, altogether apart from and independently of their relation to the State, their nature as political beings. They are so many forms in which the animal-rights theory tries to assert itself against the human-rights theory. Our way out of such things, the way by which we may develop in a natural order, is by a clear grasping of the fact that our rights as human beings are realized only in and through the State, and that the question which the State has continually to solve is not, How shall each man's extra-civil, natural, or animal rights be secured to him? but How shall all citizens be best helped to realize their political nature, with all that that implies in the way of intelligence, sympathy, and helpfulness? In regard to the land, this question takes the form, What form of land-holding or land-using tends most to develop the political virtues?

I am of opinion that this question has received no final answer, and, furthermore, that no final answer is possible. I believe that one form of land-holding suits one grade of political culture, another another. A primitive society, destitute of art, science, and philosophy, will be best suited by a communal land system; a society struggling toward these, by a feudal system; a society that has attained them, by a system of private property in land. And I think I see why this should be so. In primitive society no individual has any considerable interests or plans of his own, anything that makes it necessary or desirable for him to have independent means. In the next higher stage a few persons have such interests and plans, while the rest are glad to be used as instruments for the accomplishment of these. This is the condition of men under feudalism. The growth out of feudalism has been gradual, and determined by the number of persons capable of initiative, and therefore requiring independent means. It thus appears that the gradual growth of private property in land, as indeed of private property generally, has been the necessary concomitant of man's gradual growth toward independence and individual initiative; in other words, toward realized freedom. To set any limit to private property, as such, would be to set limits to freedom, the very thing which the State exists to secure; for freedom is the realization of man's political nature.

It follows from what has been said that any serious and intelligent argument in favor of abolishing private property in land by means of the single tax or otherwise must take this form:—Private property in land has defeated and is defeating the end for which the State exists,—the realization of man's nature or freedom. The State, therefore, is bound to abolish it.—If the premise could be proved,—if it could be shown, for example, that property in land makes one class of men merely the tools of another, and thus prevents them from attaining heights of culture and freedom for which they are ready and eager,—then the conclusion would be unavoidable, and the State's duty would be clear. But the facts of history point in the opposite direction. In property, as in everything else, division, differentiation, has been condition of progress; and there seems no reason to doubt that the abolition of property in land would be the setting up of an obstacle in the way of human good.

It would be easy to urge other objections to the single tax; but I content myself with the above, which seems to me fundamental.

And, in objecting to it as a specious lure to draw men back into a condition of unculture and bondage, I do not wish to be understood as maintaining that our present system of land tenure is ideal, and does not require improvement. I am convinced of the contrary; but improving is one thing and abolishing another. It is rarely advisable, and always a proof of thoughtlessness, "to empty out the baby with the bath."

### 3. REMARKS OF WILLIAM LLOYD GARRISON.

My theme is the justice of the single tax. Unless a reform is based on solid ethical foundations, it has no claim to the consideration of mankind. Demonstrate that it cannot be sustained in the court of morals, and there is no need of adducing material evidence against it. It is sufficient to say to it, as Newman said to Charles Kingsley, "Away with you into space!" The lawyer had forty reasons why his witness did not appear. After hearing his first reason,—that the witness was dead,—the judge wisely decided to waive the other thirty-nine. The opponents of the single tax have only to show that the scheme is tainted with injustice, and they may save themselves the trouble of proving that a land tax would not bring enough revenue to support government, or that poverty does not keep pace with progress. The surprising thing is that people write books and magazine articles chiefly devoted to the question of expediency. Establish the fact that the principle is wrong, and why waste time on the details of its working?

As justice is the cardinal point of the single tax, the bed-rock upon which it plants itself and appeals to "the consideration of mankind and the gracious favor of Almighty God," the singularity of the assaults upon it consists in their general avoidance of this primal consideration. In the few minutes at my command, I propose to discuss nothing else, believing justice the paramount and all-important interest.

His Grace, the Duke of Argyll, in his famous attack upon "the Prophet of San Francisco," met the question squarely at the beginning by denouncing the "immoral doctrines" and "profligate conclusions" of "Progress and Poverty," "the unutterable meanness of the gigantic villany," and by stigmatizing its author as "such a Preacher of Unrighteousness as the world has never seen." In the masterly and elevated rejoinder of Mr. George, he says: "I admit, even more unreservedly than the Duke, the competence of the tribunal before which he cites me. I am willing to submit every question of political economy to the test of ethics. So far as I can see, there is no social law which does not conform

to moral law, and no social question which cannot be determined more quickly and certainly by appeal to moral perceptions than by appeal to intellectual perceptions. Nor can there be any dispute between us as to the issue to be joined. He charges me with advocating violation of the moral law in proposing robbery. I agree that robbery is a violation of the moral law, and is therefore, without further inquiry, to be condemned."

In this lofty spirit let us consider the "robber theory." The substance of the charge of injustice preferred against the single tax is that its operation would despoil certain land-owners of their vested property. It is conceded that not all would suffer,—nay, it is admitted that those who properly use their possessions would be benefited; but it is undoubted that speculators and monopolists, who neither use the natural opportunity held by them nor permit others to use it, will be losers. No matter how much deprivation to others this locking up of natural resources may be, our sympathy is asked not for the despoiled, but for the despoiler; and in his behalf great moral indignation is expended.

We repudiate the charge that we are the deniers of the rights of property. To quote Mr. George again: "We are the upholders and defenders of the rights of property. We say that the great French Convention was right when it asserted the sacred right of property. That there is a right of property, that comes from no human law, which antedates all human enactments,—that is a clear genesis. That which man produces, that which by his exertion he brings from the reservoir of nature and adapts to forms suited to gratify the wants of man,—that is his,—his as against all the world. If I by my labor catch a fish, that fish is and ought to be mine; if I make a machine, that machine belongs to me,—that is the sacred right of property. There is a clear title from the producer, resting upon the right of the individual to himself, to the use of his own powers, to his rights, and to the enjoyments of the results of his exertion,—the right that he may give, that he may sell, that he may bequeath."

Under this definition of property land cannot come. It is a bounty of nature, existing before man and necessary to his existence and prosperity. No title to its possession can be valid in the same sense that a title to the product of labor is valid and indefeasible. As Herbert Spencer puts it, "It can never be pretended that the existing titles to such property are legitimate. Violence, fraud, the prerogative of force, the claims of superior cunning,—

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those are the sources to which those titles may be traced. The original deeds were written with the sword rather than with the pen; not lawyers, but soldiers, were the conveyancers; blows were the current coin given in payment; and, for seals, blood was used in preference to wax. Could valid claims be thus constituted?"

And he insists that "either men have a right to make the soil private property or they have not. There is no medium. We must choose one of the two positions. There can be no half-and-half opinion. In the nature of things the fact must be either one way or the other. If men have not such a right, we are at once delivered from the several predicaments already pointed out. If they have such a right, then is that right absolutely sacred, not on any pretence to be violated. If they have such a right, then is his grace of Leeds justified in warning off tourists from Ben Mac Duhi, the Duke of Atholl in closing Glen Tilt, the Duke of Buccleugh in denying sites to the Free Church, and the Duke of Sutherland in banishing the Highlanders to make room for sheep-walks. If they have such a right, then it would be proper for the sole proprietor of any kingdom—a Jersey or Guernsey, for example—to impose just what regulations he might choose on its inhabitants,—to tell them that they should not live on his property unless they professed a certain religion, spoke a particular language, paid him a specified reverence, adopted an authorized dress, and conformed to all other conditions he might see fit to make. If they have such a right, then is there truth in that tenet of the ultra-Tory school, that the land-owners are the only legitimate rulers of a country,—that the people at large remain in it only by the land-owners' permission, and ought consequently to submit to the land-owners' rule, and respect whatever institution the land-owners set up. There is no escape from these inferences. They are necessary corollaries to the theory that the earth can become individual property. And they can only be repudiated by denying that theory."

What does the single tax contemplate? Taking from a man that which is his own? On the contrary, it insists on absolute respect for such possession, which, under our customs and laws, is so ruthlessly disregarded. It proposes to disturb no title and to bring no confusion by its beneficent arrangement. It simply means to take, in the way of taxes, for the benefit of the whole community, that annual rental value given to land, because of its situation, by the community itself. Where is the injustice in this? The creator of the value is entitled to that value; and for individ-

uals to appropriate what in truth belongs to the community, as under the present system, is not justice but its reverse. Because a wrong method obtains, whereby the individual is able by legal assistance to exact an unjust tribute from his fellow-citizens, why is it dishonest to try, by appealing to men's reason, to have the law changed?

If, because of time-honored custom, an artificial industry is flourishing under a protective tariff, permitting its owner to draw enforced tribute from consumers, is it a violation of the rights of property to annul that privilege by changing the law and to stop further spoliation? Nay, it is a bounden duty. It makes no difference whether the wrong is of recent birth or hoary with the mould and superstition of centuries. No lapse of time can convert a wrong into a right. And the parallel of the tariff immorality applies with double force to the unjust monopoly of land. Let me illustrate. At Killarney, in Ireland, I was informed, whether correctly or not, that the broad possessions of the Earl of Kenmare were the inheritance from the mistress of a profligate king. It matters not whether the fact is so or not. It is undeniable that the first possessor of this beautiful region became possessor of it by seizure and force. His successors thenceforth have been enabled to thrive by the subjection and contributions of the people who were destined by accident to inhabit that particular territory. By taking that annual value of the land and its appurtenances, by means of rent, the landlord has robbed labor of its fruits and produced a population of beggars, where, under the rule of justice, thrift and prosperity would naturally exist. Rent, more effectively than protective tariffs, can wring from labor its hard earnings and enrich idlers. The land-owner controls a natural opportunity essential to the existence of human beings, which he can lock up or withhold from them at pleasure, his interest growing with their needs. He may be an infant, an absentee, or an idiot. It is this system against which the single tax wars.

The confusion of thought which does not distinguish between the taking of rent by the individual and its collection by the community, as regards its effect upon the tenant, is astonishing. If a dozen people form a community, it is easy to see that taxes enacted for the equal benefit of the twelve are just, and as manifest that the same amount taken from the twelve for the benefit of one is an outrage on the other eleven. Moreover, ownership in land permits the landlord to take all the earning of labor applied to land, excepting enough for a bare subsistence. The single tax, on

the other hand, only asks that each occupant of land shall pay to all the people for the privilege accorded him. Now, the landlord's rent is a direct levy on the fruits of labor, in some cases amounting to practical confiscation. The single tax is powerless to subtract one cent from the earnings of the laborer or the products of his labor. Every improvement would be exempt, and a single tax on land values can never be shifted upon labor. Industry would then reap its true reward, and enforced poverty be an anomaly. Labor could employ itself.

If the single tax were an autocrat with arbitrary power, able immediately to upset the established order of things, there might be reason for dismay and epithets. In truth, it is an *idea*, dependent for its application upon the changed convictions of society through the legitimate instruments of instruction and argument. It detests dynamite, and antagonizes armies and navies, which are the types of force. It comes clean-handed before the tribunal of justice, addressing itself to the religious and moral forces, which are at the root of civilization.

What is legislation but the alteration of written law? Are statutes fixed and imperishable as principles? or are they the imperfect expression of the average sentiment, to be changed, altered, repealed, and amended, as the necessity of growth requires? Why, therefore, when advocates of the single tax express their determination to seek a change in the methods of taxation by legitimate processes, are they assailed in terms befitting marauders and public enemies? The language is as indefensible as the wrong it seeks to obscure. But, inasmuch as the owners of unused lands have invested their earnings therein in good faith, encouraged to do so by the law which recognizes land as individual property, ought they not to be compensated if the single tax destroys its speculative value? The same reply which Emerson gives to a similar question concerning investments in human flesh, which were also protected by law, applies here : —

“ Pay ransom to the owner,  
And fill the bag to the brim.  
Who is the owner? The slave is owner,  
And ever was. Pay him.”

In other words, if compensation is to be made, render it to the sufferers, whose opportunities are curtailed by land monopoly, and not to the speculator, who profits at their expense. Unfortunately, restitution to the wronged is impossible. There is no natural fund from which to draw, and no unnatural surplus like the one



now squandered on pensions and personal rewards for party service. So the believers in the single tax, seeing that "indemnity for the past" is impossible, are struggling to assure "security for the future."

Nearly every change of statutes affects vested interests for good or ill. If the unjustifiable McKinley bill shall become a law, who can estimate the disturbance and individual losses in certain lines of business? And who proposes compensation to the injured ones? When legislation is destructive and partial, no such demands are made; but, at the mention of a reform which seeks the uplifting of the masses and the abolition of a system that breeds poverty, its pathway is blocked at once by the cry for compensation. The tender and sensitive consciences that are callous to the wide-spread degradation resulting from landlordism are shocked inexpressibly at the prospective loss of the landlord's unearned profits.

Tom Hood exclaimed, in reference to the shutting up of the London Zoölogical Gardens on Sunday,—

"Spirit of Cant! have we not had enough  
To make Religion sad and sour and snubbish,  
But saints zoölogical must cant their stuff,  
As vessels cant their ballast-rattling rubbish?"

These lines could be admirably paraphrased to describe the condition of mind which affects holy horror at the immorality of the single tax.

I close with an expression of sincere conviction that no other reform in the world's history has been more considerate, more absolutely just, more in the interest and security of property, more scrupulous regarding individual rights, and more truly conservative than this. Its realization can only come through the gradual removal of the present crushing burdens of labor by and with the consent of the majority of the people. Every forward step can be tested in the light of experience and by the fullest trial. If the result is wrong, it will be the people who punish themselves; and in their hands the remedy always abides.

In the memorable words of Wendell Phillips: "The broadest and most far-sighted intellect is utterly unable to foresee the ultimate consequences of any great social change. Ask yourself, on all such occasions, if there be any element of right and wrong in the question, any principle of clear, natural justice that turns the scale. If so, take your part with the perfect and abstract right, and trust God to see that it shall prove the expedient."

#### 4 THE MORAL BASIS OF PROPERTY IN LAND.

BY PROFESSOR J. B. CLARK, OF SMITH COLLEGE,  
NORTHAMPTON.

If the private holding of land be a wrong it is one that has a tinge of anarchism about it. The community has created the value that resides in land, and whoever usurps the ownership of it deals a blow at the community. What is more, he strikes at the basis of the civil order, since governments have been evolved in and through the effort to secure to each producer the value that he brings into existence, and it is anarchic in principle to habitually counteract this effort.

Of the wealth that resides in land the State is certainly the creator and the original and lawful owner. As a sovereign it has a certain ultimate ownership of all property. Treasures of every kind are, in the last analysis, its own. As the creator, not of the substance of the earth, but of the value residing in it, the State has a producer's immediate right to use and dispose of its product. If any theory depreciates either the State's reserved right over all wealth or its special producer's claim to the wealth residing in land, so much the worse for that theory; we, at any rate, will have none of it.

The distinction between land and its value is real and important. The essence of modern property is a claim, not on the particular thing that a man has made, but on the abstract quantity of wealth that resides in it. If, as a workman, I have earned two dollars by making something, my claim is satisfied by giving me, not the article itself, but the two dollars that it is worth. For the article I should probably have no use.

In very primitive times the easiest way to secure to a man the amount of wealth that he has created is to tie him, as it were, to the very thing that his hands have fashioned. Let him, and let no one else, own the hut that he has built. If he goes away, however, and the hut is not portable, he will lose his property, unless he can give to some one else a good title to it, and get for himself what it is worth in some portable shape. By giving up the

form of his property he keeps the content of it. Exchanges are the basis of modern economy. We make what we ourselves cannot use, and use what we cannot make. Binding our own particular concrete products to us would be our ruin; letting them go to the ends of the earth is our salvation. What we really make and need to keep is a value. That ought to remain with us. It is our essential property. The modern State has been evolved in and through its effort to secure it to us.

To completely own a thing is, as we have just noticed, to have the full right to alienate it; and alienating is what we regularly do. Most transfers of property are for pecuniary value directly received, but the transfer is equally valid if it is made for some other end. The right of a producer is to the personal gratification that he can get out of his product; and, if this be greater when he alienates it, in order to accomplish something to which he attaches more importance than a pecuniary payment, equity demands that he be allowed to so convey it, and that the title of the receiver be good.

As the creator of wealth residing in land the State has the natural right of alienation that is inherent in the ownership of property. Its rights would be infringed by denying to it this privilege. It will part with land only when more is to be gained by so doing than by keeping it. If it were forced to keep it it would have to forego a part of the benefit to be gotten from it.

As a sovereign, indeed, the State cannot forego that reserved right that it holds over all property. As a producer it must, in equity, be allowed to do what to itself seems best with any special product that it has brought into existence. When the patent goes from the land office to a pre-emptor a piece of land simply passes from the special and direct ownership of the government, and takes its place side by side with the houses, goods, live stock, etc., which the State reserves its right of ultimately controlling. It may be the policy of a State to content itself with this ultimate right, and to keep little or nothing immediately in its hands. It is the sovereign criterion of its own policy in this respect; and, if it elects to have all means of production in private hands, its acts in the pursuance of this choice are valid.

The State has alienated land in order to insure the creating of a vast amount of wealth, over which it reserves a sovereign's ultimate right, and also in order to secure ulterior ends of even greater importance.

Whether the policy were successful or not, the State's decision would be valid for all citizens. It has, in fact, been successful,—how much so this paper is too short to show. The great values have been created, and have been shared by business men and wage-earners as well as farmers and other landed proprietors. If a village merchant has not bought land it is because he could make what to him was worth more in some other way. The gains that come from owning land have set the standard of business profits. If a village blacksmith has not taken up a claim and become a homestead farmer it has been because he has been able to make the agricultural class pay for horse-shoeing what to him is an equivalent for the farmer's gains. The returns from land-owning have set the standard of wages.

In what do the returns from land consist? Do they come from the sale of crops? Far from it. Breaking the most docile prairie costs more than a sod crop will sell for. The farmer's gain lies, at first wholly, afterwards largely, in the increment of value attaching to his land. He starves now, that he may be independent hereafter. The thing that a blacksmith gets an equivalent for is the present worth of the farmer's coming independence. Artisans' daily wages are an offset for daily increments of land value. The gift of the government has been not to the farmer, but to the community. We shall see this later with equal or greater clearness.

It is to be noted that the early State made over the coming increments of land value largely to the men who by their presence were to bring them into existence. It was not pre-existing wealth with which the government endowed its citizens. It did not thrust its hand into its own pocket, and make over to the new comers a value therein found. What it gave to them was a future value that would come into existence if they settled in the country, not otherwise. "Here," said the young State to its immigrants, "is a possible value that you may create by your presence and activity: come, create and have it."

The attainment of the ends that the State had in view required that the land should be permanently alienated. Offer to settlers land with reservations that spoil the attractiveness of the offer,—declare that at a later date you will seize a part or the whole of the value attaching to it,—and how rapidly will the community grow in numbers and in wealth? It is in perpetual alienation, however, that the only difficulty lies. Clearly, the State can make over to citizens values that accrue within its jurisdiction; but will not

that jurisdiction be at an end by the time that the third or fourth generation is on the stage? If values attaching to land up to the year 1890 have been subject to the jurisdiction of a State that has elected to alienate them, the title of present possessors is good. What shall be done with later and smaller increments our limits forbid us to discuss; but the moral law is clear enough about them. If the present State elects to alienate the increments now in process of accruing, its act in so doing is valid. Up to the time when it changes its policy, the titles of its grantees are good. If it were to-day to elect to reserve to itself all future increments, it cannot in the execution of that decision seize any already accrued. There is much to be said pro and con, mainly con, of the effects of a seizure of future values that may attach to land.

Let us revert to the principle on which individual property rests, the right of a man to the value that he has created. In vindicating that right civilized government has been evolved, and to violate it by public acts would be to reverse the evolution. The wealth embodied in articles for consumption may still be guarded in the old and literal way of tying the articles to their possessors: it is impossible to guard capital thus. That is wealth embodied in aids to production, and it is the nature of the productive operation to take away from the user nearly all of these articles. The goods on the merchant's shelf go off,—the more quickly the better. So do the products of the mill and the farm. The producer does all that he can to expedite their departure. The machines and implements disappear also in due time, though in this case the departure is unwelcome to the user. He would like to have them last forever; but they will not. Buildings wear and decay, and the alluvium of the farm itself is wasted under cultivation. What we may term the substructure of the farm remains: it is the single exception to the law of waste and wear. Aids to production, as a rule, must leave their possessor if they are to do him any good.

Does his capital go from him? Yes, if the things that at first embody it have at their departure no substitutes behind them,—not if they do so leave them. In fact they must leave equivalents if production goes on. For the goods sold come new goods; for the worn tools come, first, salable products, and then new tools. An endless procession of capital goods passes into and out of the man's possession; but his essential capital, the principal sum or value that he has invested in his business, stays with him. If he has invested a hundred thousand dollars in an enterprise, unless a

calamity intervenes, he will keep it. For clearness I will call this principal sum or value his pure capital, and the things that at any particular moment embody the sum his concrete capital, or capital goods. It conduces to clearness to make these to include land. If a part of the amount invested be expended in buying a piece of ground the man will consider his pure capital intact. A corporation with a million dollars' worth of paid capital will not, in its reports, reduce that amount by a dollar because a hundred thousand dollars had gone into a building site. It is as convenient as it is philosophical to follow here this practical nomenclature. Pure capital is value embodied in productive instruments of any sort.

It is the nature of the fund in the possession of a particular user to perpetually change its outward forms. It may be said to live by transmigration: entering these material bodies to-day, it will pass into others to-morrow, and rest nowhere so long as production continues.

It is of course the content of capital goods,—the value in them,—that is important to their possessor. The form, in the absence of commercial friction, would be a matter of indifference. It can be changed at will. The content is what in reality ministers to the owner's well-being: it is the hundred thousand dollars that makes him comfortable.

It is the content that represents his sacrifices. To get the dollars, not a particular form of investment of them, the man has planned, worked, and saved. It is in the dollars, therefore, that his property rights inhere. He "made" them, as the expression is; he created the value that they express, and that a shifting lot of goods embodies. The task laid on a government is to protect this essence of property, this permanent result of sacrifice, this abiding means of well-being. Let the man have the value that he has earned. Let him keep the "money that he has made" and put into things that he has not made.

It is, indeed, the transmutations of form that introduce complications into the situation and make the work of guarding men's essential property less simple and easy than it might be; but the transmutations are in the highest degree essential, and it is the work of the government to facilitate them by every means in its power. Active exchanges are, first, productive: they bring indefinitely more wealth into existence than any system of tardy exchanges could do. They are, secondly, equitable; they tend to

equalize the rewards that follow personal sacrifices. Let pure capital earn ten per cent in one form and five in another, and by a sure and simple process that we see in daily operation it tends to transmute itself into the profitable form, and to leave the unprofitable one, till the gains of the two are reduced to an equality. It is by reason of this power of transmutation that interest, the percentage of itself that pure capital can earn, tends, in all departments of business, toward equality. No possible advantage can come permanently to a man because of the form in which his pure capital is invested; his well-being depends on the amount of the fund itself. When a State causes investments in land to be made as freely as any others there results the same productivity that we noticed as the result of the quick migration of the fund of pure capital; and there is the same equity in the sharing of the results. A land-owner has no advantage over men whose capital is in other forms.

A quickening of production often demands that more capital should vest itself in land than is now therein embodied. This means that the price of it needs to rise. In the hands of the man who has a dwelling-house on it, a lot produces two hundred dollars a year; in the hands of the man who would put a shop on it, it would yield four hundred. In the interest of society the shop-keeper ought to have it. He can get it by paying an amount based on what it is capable of producing. This potential product of land becomes the basis of its price; and it is the effect of the easy migration of pure capital from form to form to realize it as an actual product,—to actually make the lot go to the shop-keeper, who can develop the full service that it is capable of rendering to society.

The result of free investments in land is also a tendency to equity in distribution. There are men of property who are landless. Why? Because by their own election their capital is in other forms. Let the real estate investment become more advantageous for them, and their wealth will seek that form at once. The free purchase and sale of land,—in other words, the free movement of pure capital to this form of embodiment,—is the antithesis of favoritism and monopoly.

A result of the system is the placing of landlords and other capitalists in a uniform relation toward the empty-handed men of labor, the so-called proletariat. There are men who are landless, not because they choose to buy something besides land, but be-

cause they are not able to buy anything. They lack land solely because they lack pure capital to put into that form or into any other. If there are monopolists who oppress them, they are not the men whose means are invested in any one form of property, but the entire class of men who possess property, who monopolize the accumulated value that exists in society. If a worker can break over the barrier that surrounds that class, if he can acquire value, he can get land at will. If he has any case against the world, it is socialistic: his grievance consists in a lack of essential wealth, of accumulated value.

The free flow of pure capital to real estate investments has been, is, and for an indefinite time will be the chief means by which the worker may break over the barrier that separates him from the property-owning class. Land is the favorite receptacle for value about to be created and saved by laborers. Not to mention the homestead farmers, the workers in villages and cities are induced to labor and save largely by the special appeal that home-owning makes to them. Where they will not form co-operative societies or take stock in the companies that employ them, they will buy land and build houses. Loaning money on mortgage security is an acquiring of land value without the immediate possession of land; and it is the favorite investment that savings-banks make of workmen's accumulations. Paid up policies of insurance largely represent land value. In these ways the land is made to contain what we may term the nascent capital of society, the little accumulations of wealth that are slowly coming into existence through the earnings and savings of laborers. For wise reasons, then, the State has made investments in land free. It does its primary work when it protects values so invested. The State and no other may say into what form pure capital may go. It has said that it may go into land. For ends of its own it has so decided; and the ends are good. On a million of small properties in country and city are families of workers slowly accumulating the value that their land embodies. They are coming out from among the proletariat. If a dollar anywhere belongs to its owner, the one that from time to time they put into their homes does so. Will you measure the labor that the prospect of home-owning calls forth? Will you measure the thrift that it induces or gauge the manliness that the possession of it secures? Shall any State seize those accumulations? If it does, it will condense into an object-lesson the contents of more volumes than have been



written on the subject of Land Tenure. It will settle that issue for every other State.

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#### SUPPLEMENTARY NOTE.

It has been said that every man has an inalienable right to land, and that the State violates this right when it assigns land to private owners. If so, the State is the party that is ultimately responsible. If the disinherited man has an action against the present owner, this owner has recourse against the State. But what is, in reality, the character of this natural right? Is it a right to literally till the earth? In a state of civilization this is impossible in the case of a large majority of men; and the claim resolves itself into a right to be maintained from the fruits of the earth.

Before the advent of civilization men got their food by severally occupying and using the land: after the advent of civilization they in reality occupy and use it collectively. A social organism, as such, is in possession of the tillable area, and is getting its food, clothing, and shelter, its comforts and pleasures, by making the best use that it can make of this instrument and of others. The end is accomplished by a division of labor that locates many men in shops, mills, railroad cars, steamships, etc. If a man gets out of the income of this collective body a share that maintains him, then his right to a maintenance from the earth is respected. It can be shown without difficulty that a maintenance comes to men generally more easily and in ampler measure under the system that assigns land for actual use to private owners than it would do in any other way. Though the immediate ownership is private, the ultimate ownership and the actual benefit are public.\*

\* A fuller presentation of this subject may be found in the *Ethical Record* for October of the present year.

## 5. A SINGLE LAND TAX FROM THE POINT OF VIEW OF PUBLIC FINANCE.

BY E. BENJAMIN ANDREWS,

PRESIDENT OF BROWN UNIVERSITY.

*Latifundia perdidere Italiam*, Pliny wrote. Will America perish in the same way? I have long been convinced that the break between land and people by the general prevalence of the Roman or feudal tenure has become a terrible evil, and that it operates much as Henry George describes, diminishing production, congesting wealth, and multiplying injustice, poverty, and vice. An increasing number of able English and American writers share this view; and it is masterfully argued in much the most considerable economic work of the decade, Achille Loria's "Analysis of Property under the Capitalist Régime," published at Turin last year. To turn the golden stream of economic rent partly or mostly into the State's treasury, where it would relieve the public of taxation in burdensome forms, seems to me extraordinarily desirable. I by no means concur in all the reasons which many assign for this; nor should I expect from it, even if carried to Mr. George's length, more than half the benefits to society which he anticipates. Still, the proposition to lay the main tax on land impresses me as just, safe, accordant with the best canons of public finance, and in fact every way excellent.

But I, for my part, should deprecate an absolutely single tax system of any sort, the more if the one tax were upon land. When Professor Harris and Mr. Atkinson, referring to the United States, and Mr. Richard Simon, with reference to Great Britain, held forth that the economic rent of the nation's land would not suffice for its revenue, I was anxious to agree with them, though I could not. It occurred to me that, if they were right, we could beautifully remedy the evils of *latifundia*, land dearth and speculation, without entirely ceasing to draw public revenue from other sources than rent. I suppose, however, that, as a matter of fact, rent would pay all our taxes and leave a vast sum remaining. Were the State to take it all, the fund would be greater than it

could safely disburse, inducing subventions to all sorts of people, which could not but work detriment to their economic character. On the other hand, should the State not take the surplus rent, the evils attaching to our land tenure, instead of being cured, would be simply more or less assuaged. I should, however, prefer this as far the lesser evil. To collect unnecessary revenue is, in finance, the unpardonable sin; and it would in the end work as ill socially as it would financially.

Whatever advantages of a purely social nature might attend sweeping simplicity in taxation, such a scheme would, as a measure of public finance, involve considerable difficulties. These may seem petty until reflected on, and might not at any rate prove decisive; but they are certainly of weight enough to deserve attentive consideration. It would not be strange, should friends of the single tax not have studied it so closely in this relation as in its directly social bearings.

I make little of the objection suggested by Sir Charles Dilke in his "Problems of Greater Britain," referring to Newfoundland, that, in a country so sparsely settled, justly to levy and collect a land tax would cost more than the amount of the tax. The point is, however, worth mentioning in debate upon a revenue scheme for the United States.

Another consideration, speaking for a manifold as against a single tax, is the impossibility in either case of a fair assessment. A just levy is more easily attainable on land values than anywhere else, this being among the chief advantages of a land tax. But perfect equity is by no means to be had even here. No particular tax can be carried through save with injustice somewhere, weighting this man too heavily, the next too lightly. Now, it is clear on slight thought that any single tax system exaggerates every such unfairness to the utmost, while by settling taxes on many things you tend to offset losses with gains.

More serious still is it that a single tax system of any sort would greatly lack elasticity. To secure this quality, you must tax so many articles that surpluses may be put over against deficits between them, and some of the articles must be of such a nature that the burden upon them may in an emergency be suddenly increased.

No minister of finance will ever have the omniscience to make the revenue and expenditure sides of his yearly budget balance exactly. Income may fall short: it may be redundant. As it is

visibly bad policy to plan for a surplus, he must each year be prepared to meet a deficit. Now, the most economical way to do this is by an instant increase of taxation on some commodity that will bear it. Any form of impost may be suddenly lowered, but few are those which can with safety be suddenly raised. A land tax or a house tax is specially ill fitted for this. Income taxes perform the service very neatly; and, as is well known, Great Britain has long resorted to them for this purpose. Not, however, in the most recent case, Mr. Goschen's budget of April, 1889, substituting for the usual increased levy on incomes a death or succession tax on estates of £10,000 or more, which has thus far worked well. A tax on liquors has usually been considered the ideal "buffer"; yet even this served Mr. Gladstone ill, ousting him from office at the last Conservative victory. Obviously, none of the imposts mentioned would serve happily as the substantive tax; but these, or some of them, or others similar, are necessary as ancillary taxes, to render your system supple and safe.

It may be rejoined that this objection is valid only against Shearman, who wishes the State to take no more rent than is necessary, but not against George, who is going to draw all rent into the public treasury, making a deficit impossible.

I reply that inelasticity will balk the single tax plan about equally, whether all rent is assumed by the State or only a part. In neither case can you safely allow a great surplus to lie idle in the treasury. You must appropriate all of it for regular purposes, more or less legitimate. The greater your revenue over necessary outlays, the less proper will be the objects to which you will apply it: still it must and will be applied. Now, the point is that in an emergency of deficit you will have to withdraw from some of these objects; and, whatever they are, trouble will result. To deprive the people of circuses or bread would occasion no less rebellion than to dock wages in army or navy or the salaries of Congressmen.

Again, other taxes than a land tax are needed for regulative and disciplinary purposes. I do not refer primarily to taxation upon traffic in intoxicants, although there are very strong reasons for supposing this the best means of handling that gigantic evil. The ethical objection to it, that it makes the State partner in crime, I regard as wholly fanciful, deriving its entire force from the double sense of the word "license." It can be safely said that no State ever "licensed" the sale of liquor with the thought

of furthering it as a good thing. A liquor tax is of the nature of those *amercements* anciently so common in English law, intended to repress acknowledged evils which the State was not yet in condition to handle as crimes in the legal sense. Abolish the word "license" from this discussion, supplying liquor-dealers duly "amerced" each with his "Bill of Amercement" instead of his "license," and the theory of liquor taxation would appear in its proper light.

Nor is this attribution of a punitive character to taxation in certain cases either new or strange. Wagner is by no means its author. From the dawn of Cameral Science, even in Adam Smith's Fifth Book and in Leroy-Beaulieu, where *laissez faire* is so pronounced, it has been recognized as imperative that taxation should keep in view the great ends of culture and civilization.

But society suffers from other licenses than those to sell liquor, from other monopolies than that of land; and nothing is easier than to reduce the power of any of these by taxation. It is a great error to suppose that such a burden could be shifted to the purchasers of the monopolized commodity. The paper upon "The Economic Law of Monopoly" presented at the session of this Association a year ago proved that prices under monopoly are fixed not at all by competition, but according to the "Law of the Tolerance of the Market." That is, they always tend toward the point of maximum gross profits, to which, should they go higher, they would inevitably be brought back by such decrease of sales as would cut down the aggregate income. Tax any line of goods already selling so, and the entire tax must come from the producer: no part of it can be extorted from consumers. The logic here is precisely the same as that which proves it impossible to make rent-payers suffer from a tax on rent.

So clear is the chance to touch monopolies through taxation that some might pronounce such taxes no less worthy than a land tax to occupy the substantive place in a revenue system. I do not think so. In the case of any successful monopoly, a certain portion of the winnings is due to administrative skill and effort, and is not the gift of society. Land value, on the other hand, is purely the creature of social deed and toil.

Professor Patten shows how a monopoly tax may also be utilized for the immensely important purpose of steadying retail prices, but brevity forbids more than a mention of such a possibility in this place.

Lastly, it is an old maxim of political science that a constitutional government must be kept poor, dependent, unable to get money except by the deliberate act of its constituents. The doctrine has history behind it and human nature beneath. A Republic is no safer in this matter than a Monarchy. Let its ruling powers have access to resources which are not voted to them item by item after debate and reflection, and liberty will soon be but a name.

Now, by the operation of the single tax in the form desired by Mr. George, government is provided with the most ample revenues in a dangerously silent, imperceptible, and automatic manner. The system once launched, the State waxes rich, sleeping or waking, as do landlords in growing cities. Increased revenue comes without debate or observation. No budget is presented or discussed. No general appropriation bill is put forward to be argued pro and con. Public assessors, incessantly but noiselessly at work, ascertain and register each rise in land value, while collectors at once, without ado, drain the additional rent into the public till. Of course, the individuals who have this year to pay more rent than last are aware of the difference and may complain. But such voices, being isolated, would be without volume or unity, and hence without effect. In certain localities rents would be falling at the same time, no one knowing how much. There could be no common consciousness of drain. Even exact publication of the State's financial condition could not beget this,—certainly not as it would do if every dollar received had to be voted by the representatives of the people in the form of a tax which men would feel. American financiering since our Treasury surplus began is proof of this.

To sum up, desirable as it would be to fasten our chief tax upon land, we should not be beguiled by the seductive idea of simplicity into the exclusion of other kinds of impost, since that course would, among other things, (1) aggravate the wrong of all imperfect assessments,—which are unavoidable,—(2) produce a most inelastic revenue system, (3) cut us off from a much needed weapon for disciplining minatory and refractory businesses, and (4) gravely threaten free institutions.

## 6. ADDRESS OF PROFESSOR EDWIN R. A. SELIGMAN,

OF COLUMBIA COLLEGE, NEW YORK.

In this discussion of the single tax on land, it may be well to turn our attention to some points commonly overlooked. I shall not discuss the adequacy of the tax, although there is grave doubt on that point. I shall not discuss the political feasibility of the tax, nor the marvellous short-sightedness of those who are Utopian enough to believe that the federal indirect taxes will ever be totally abolished. I shall not discuss the real social basis of the tax, — the idea that with the imposition of the single tax all poverty and suffering will disappear, and the millennium of economic felicity come to hand. I shall not discuss the history of the single tax, although perhaps just a word on this subject would not be out of place here.

It has unfortunately been asserted by some of the opponents of Mr. George that Turgot introduced the single tax into France. This is a gross mistake. All students of economics know that the Physiocrats had three cardinal doctrines: (1) natural law and *laissez faire*; (2) the sole productivity of land; and (3) the single tax on land. Some of the leaders, like Gournay, emphasized the first point; others, like Quesnay, the last. Now, Turgot was a follower of Gournay, and nowhere in his political career did he lay any stress on the single tax. His celebrated six edicts in 1774 relate to entirely different matters. The only practical effort ever made by the Physiocrats was that of Dupont de Nemours in the Assembly, when all indirect taxes were abolished for a time. But the single tax was never introduced. On the other hand, it is a fact, perhaps unknown to most of those present, that a serious attempt was made in another country to naturalize the single tax. Margrave Charles Frederick of Baden was a devoted student and follower of Quesnay, and decided to put his ideas into practice. He chose three little towns in his domain, — Dietlingen, Theningen, and Balingen, — and during the seventies abolished all taxes, replacing them with a single tax on land. The

experiment with this *impôt unique* lasted only a few years. It produced such dire distress among the farmers and peasant owners, such shameless exemption of all other classes, as almost to cause an uprising; and it was ingloriously abolished, never to be renewed. So much for the only practical realization of the single tax.

But, as I have said, I do not wish to discuss its history to-day. I desire to say only a few words as to the problem in its relation to the general science of finance, which is with us almost an untrodden field. The expositions of Adam Smith and Ricardo are fragmentary and inadequate. Even J. S. Mill devoted only a few pages to it. To-day even, in English there is not a single comprehensive work on finance. No wonder that principles of taxation should be so little understood.

Let us test the single tax in the light of certain fundamental principles. Three of the chief principles in taxation are universality, equality, and justice.

If anything was gained by the French Revolution and the increasing conscience of modern nations, it is a recognition of the fact that all owe a duty to support the State; that a system of wholesale exemptions is an iniquitous one; and that all taxpayers, within a certain class, should be treated uniformly according to the same standard. In other words, universality and equality of taxation represent the hard earned victory of modern over mediæval ideas. In this country we have of late been favored with two plans of taxation which, although utterly dissimilar, have usually been confounded by most people. One is the project of Mr. Isaac Sherman, to lay all State and local taxes at least on real estate. But this plan was based on the argument that the tax would be diffused throughout the community because it would fall on the consumers; and, as every one is a consumer, all would in reality be bearing their share of the burden. Now, it is remarkable that what constituted the chief merit of the tax in the eyes of this party should be regarded in precisely the opposite way by the advocates of the second plan, the single tax on land values. Mr. Isaac Sherman said the tax on real estate falls only nominally on the owners but is shifted on the consumers, and is therefore to be recommended. Henry George says the tax on land values will stay where it is put, on the land-owner, and is to be recommended precisely because it will *not* be shifted on the consumers. You see the fundamental difference between the two theories.



This is not the place to enter into a discussion of Mr. Sherman's plan. Real estate includes not only land, but the fixtures thereto, like houses, machinery, and, in some States at least, such seemingly different elements as the rolling stock of railroad corporations. A real estate tax is thus in reality composed of a number of very diverse taxes, and the incidence of each tax is governed by entirely distinct laws. Without entering into any detailed proof, I may say that Mr. Sherman's alleged general diffusion of such a complex tax is a mere chimera. Henry George is therefore substantially right in maintaining, with Adam Smith, Ricardo, and Mill, that a tax on land values — *i.e.*, a tax on economic rent — will fall wholly on the owner. I say substantially, because some refinements of the doctrine of Ricardo, which is accepted by Mr. George, have lately been developed by students of finance which show that in certain conditions the tax on city ground rents may in part be shifted on to the consumer, that is, the occupier, the tenant.

But, granting the substantial accuracy of George's position, what is the result? Simply, that whole classes of the community will be entirely exempt from taxes,— will go absolutely scot-free, — and that one class will bear the burdens for all the rest. In other words, we shall be in a far worse condition than in mediæval France; for there at least there was never such a wholesale infraction of the laws of universality and equality of taxation. Reflect a moment on what this means. The criticisms directed against our American system of the general property tax are true enough, in so far as they show the utter failure of our law to reach personal property. Owners of the large fortunes invested, not in realty, but in business or securities, and all those that derive incomes from other sources than real estate, are gradually escaping taxation. Now, while there may be some dispute as to whether in our day the mass of personal property exceeds that of real estate, there can be no possible questioning of the fact that the fraction of real estate which is represented by land is far less in value than the combination of houses, machinery, fixtures, and all the other capital and consumable goods known as personal property. That is, land alone is only a smaller proportion of the total national wealth. Is it then not a violation of the most fundamental principles to make a small minority bear not only its own share of taxes, but also the share of the large majority who go entirely free?

The advocate of the single tax must take one of two positions. The first is this. It may be maintained that the tax will not fall on future owners or purchasers of the land, on the principle that a partial tax on any property or income—a tax on a single kind of property or income to the exclusion of all other kinds of property—will result in a depreciation of the value of the property tantamount to a capitalization of the tax. Suppose, for example, that only one class of corporations is taxed. Before the tax was imposed, it was paying, let us say, 5 per cent. dividends on its stock quoted at par. Now, if a tax of 10 per cent. be imposed on the dividends, the stockholder will get only  $4\frac{1}{2}$  per cent. But, as all other classes of corporations are untaxed, and the profits on other investments have remained the same, the price of this particular corporation stock will inevitably fall, *ceteris paribus*, to 90. People who can get 5 per cent. on their capital will not ordinarily consent to take  $4\frac{1}{2}$  per cent. The new purchaser who buys at 90 will therefore virtually escape taxation, because the amount of the tax has been discounted in the depreciation of the security. The original holder, however, will lose doubly,—once in his decreased dividend, and again in the depreciation of his capital invested in the shares. If, now, we apply the same argument to the single tax, it is apparent that the value of the land will fall in exact proportion to the increase of the tax, until when the tax equals the entire rent the value of the land will be zero. During these successive stages, however, the new purchasers lose nothing. The diminished rent will still yield them the same rate of interest as before, because of the diminished capital value on which the interest is computed. The total loss thus will fall entirely on the original owner or the holder before the partial tax was imposed. They will lose both in the increased taxes and in the decreased value of their land. Now, the State has plainly no right to tax this particular small class of present owners to the exclusion of all others. If we remember the facility of land transfer in the United States, and if we would take the trouble to look up the real estate records, we should find that the great majority of plots of land owned to-day have been purchased within a very recent period, and that the whole preceding “unearned increment” has been capitalized into the swollen selling value of the land.

If the single tax be imposed, it would be necessary to compensate the existing owners; that is, in case the whole rent be taken, to pay them the whole capital value of the land. Any

other plan would be sheer confiscation. As J. S. Mill has said: "Except the proposal of applying a sponge to the national debt, no such palpable violation of common honesty has ever found support in this country. Should the scheme ever enlist a large party in its support, the fact would indicate a laxity of pecuniary integrity in national affairs scarcely inferior to American repudiation." Mr. Mill desired to make the tax applicable only to future unearned increment, which, of course, is the only honest method, the only possible method in a community so tenacious of vested interests as the United States. But, if the State must compensate the owners,—must buy out the land at its present value,—it is plain that little will be gained; for the interest which the State must pay on the debt incurred for this land-purchase scheme will obviously be equal to the total tax on land values. What the government receives in the way of economic rent it must pay as interest on its land-purchase bonds. The tax on land values will therefore not go to defray the other governmental expense at all; and it will be only with the slow increase of future land values that the tax will begin to be of any use to the government, although always for this reason miserably inadequate.

This is the first horn of the dilemma. The other is this. If it be argued that the tax does not fall exclusively on present owners, but also on future holders or purchasers of land, then the tax stands equally convicted. A and B each have \$100,000. A invests his money in land, B in railroad bonds. What a gross perversion of the first principles of equality is it to make A pay all the taxes and B none! For the argument that the railroad pays taxes on its land, and that B indirectly is reached, is not valid. The tax would not hit B even if he were a shareholder (for reasons which will be found fully explained in a forthcoming article by me on the incidence of the tax on corporations\*); and it will certainly not hit B as bondholder, because his interest on the mortgage bonds is a fixed percentage, entirely irrespective of taxation of the corporation. He will get his 4 or 5 per cent. at any rate, no matter what taxes the railroad pays. The advocates of the single tax base their argument on the assumption that our land-owners have owned the land immemorially. They forget that most of the land—at all events, the valuable land in large cities—has been purchased at fair cash values within recent periods. And, if it be maintained that the land of A will in-

\* *Political Science Quarterly*, December, 1890.

crease in value without any labor on his part, it may be equally maintained that, with the inevitable falling of the rate of interest and the increased prosperity of the railroad, due to increase of population and wealth, the value of the railroad bond is bound to appreciate. The railroad may be mismanaged, it is true, and the value of the bond decline; but so also may the value of the land, owing to a change in fashion or a decrease of municipal prosperity. But both cases are abnormal. The value of a railroad bond is bound to increase with the prosperity of the country, and the owner will have this unearned increment. But, even granting that there were no unearned increment in railroad or other bonds, what shadow of justifiability is there in laying all the taxes on A, who has paid full value for his land, and who has not yet, and will not for several years, enjoy any unearned increment on the value that he has paid? Even if we accept the fundamental basis of Mr. George's reasoning, we could lay the single tax only on those who have enjoyed some unearned increment; and we should have to exempt from taxation the whole amount paid for the land by existing owners; and the tax would then of course become a farce.

These, then, are the two horns of the dilemma. If the tax falls only on present, and not on future owners of land, the State, unless it were willing to indulge in outright confiscation of what has been paid for in cash value, must compensate the owner and thus render the tax utterly nugatory. If the tax falls also on future holders, it will be imposing a most unequal burden on all that land whose successive unearned increment has been capitalized into an appreciation of the capital value for which the land has been bought. What has been conceived in the spirit of equality would result in the most shameless exemption of whole classes of the community. Since the tax cannot possibly be shifted on to the consumers we should have a violation of the principles of universality and equality such as has never been dreamed of before in civilized society.

We come now to the most important theoretic objection to the single tax,—an objection that we can best discuss in connection with the principle of justice in taxation. The fundamental basis of the single tax argument is the contention that individuals should contribute to the burdens of the State in proportion to the peculiar advantages which they receive. Mr. George, in the *July Century*, gives us the picture of a large apartment house where each tenant pays rent in proportion to the conveniences that he enjoys,

whether in location, light, size, or other qualities of his apartment and he likens the tax-payer to the tenant of this huge edifice. Now, this is an old, old idea, and I may say a long exploded idea in the history of finance. The question is this: What is the basis and what the test of taxation,—the principle of benefits or the principle of ability? What Mr. George so eloquently describes is what is known in finance as the principle of advantages or benefits. The argument has really two branches: (1) as to the basis of taxation; (2) as to the norm, or standard, of taxation.

(1) As to the basis of taxation. Why has the State a right to tax us? A century ago, when the Physiocrats wrote, and when the absolutisms of Central Europe loaded down their subjects with grievous burdens, and devoted the proceeds to their own petty pleasures,—in France the peasant was taxable *à merci et miséricorde* of the *noblesse*,—it was natural that a school should rise to protest, and to proclaim the principle of benefits. We pay the State, said this school of excessive individualists, because the State protects us. We pay to the State because the State benefits us, with the implicit deduction, of course, that if the State did not benefit the individual the latter should not be held to pay anything. This is the argument known variously as the *quid pro quo* argument, the “price for protection” argument, the “give and take” argument, and the “social dividend” argument,—the latter from the contention of Thiers, that the State was like a huge corporation or insurance company, where the members paid premiums only as they received returns or dividends. Now, this benefits argument, which at the beginning of the century was the dominant one and which to-day yet figures extensively in the decisions of some of our courts, has been totally and unconditionally rejected by the political economists of the last fifty years. The reason that we pay taxes is not because the State protects us or because we get any benefits from the State, but simply because the State is a part of us. The duty of supporting and protecting it is born with us. The State in civilized society is as much a necessity to the individual as the air he breathes. He cannot live beyond the State, unless he reverts to stateless savagery and anarchy. His every action is conditioned by the fact of the State. He does not choose the State, but is born into it. It is interwoven with every fibre of his existence; and, in the last resort, he gives to the State, if need be, his very life. To say that he supports the State only because the State benefits him is

the most shallow and selfish of doctrines. It is sufficient for those self-complacent individualists who see in the State nothing but the night-watchman of society ; but it is sufficient only for these. As soon as our political science rises to the dignified and worthy conception of the State, just so soon does the *quid pro quo*, the protection or benefit theory, fall to the ground ; and all modern theory has accepted the new version as the only true one. We pay taxes not because we get benefits from the State but because it is as much our duty to support the State as to support ourselves or our family, because, in short, the State is an integral part of us.

But, granting now that the principle of benefits is not the reason of taxation, we come to the second part of the problem, namely : (2) Is the principle of benefits the measure of taxation ? Ought we to pay our taxes according to the amount of benefits we receive ? Those who, like Mr. George, answer in the affirmative are guilty of a confusion of thought and ignorant of the history of the science of finance.

All State revenues may be divided into three great classes,—(1) from the ownership or management of State property, (2) from various lucrative prerogatives, (3) from compulsory contributions. These compulsory contributions may be subdivided into three great classes,—(1) fees or tolls, (2) assessments, (3) taxes. Now, fees and assessments are indeed paid in accordance with the principle of benefits. Take the case of fees. I demand the service of the sheriff, and pay a fee, and rightfully so, because I put him to an extra expense for my sake. I demand a marriage license, and pay a fee because it benefits me individually. I travel over a toll-road and pay a fee or toll because I and other wagon-owners put the district to an expense and derive special benefit from its existence. Take again the case of what is known as a special assessment. A sewer is put through my street. It is right that I should pay a portion of the expense because my property will receive a special benefit from it. A new road is laid out or a new park constructed before my lot. It is right that I should pay toward it because my property is peculiarly benefited by it. In both these large classes of cases, which in the science of finance are called fees and assessments (Adam Smith called them particular contributions), the ruling principle is, and should be, that of benefits conferred.

But when we come to the department of taxes we come to an

entirely different domain. Taxes are wholly distinct from both fees and assessments. A tax is not paid for any particular service, otherwise it would be a fee, and not a tax; nor is a tax paid for an action which will benefit me more than the rest of the community in general, for then it would be a special assessment, and not a tax. A tax is paid as a forced contribution to the general public needs of the commonwealth. Every one is equally interested in the State, because he cannot exist without the State. The principle of contribution becomes shifted from that of benefits to that of ability, of faculty, of capacity. Every man now must support the State to the full extent, if need be, of his ability to pay. He does not measure the benefits of State action to himself: first, because the benefits are quantitatively immeasurable; and, secondly, because, if he is a patriot, he considers not the welfare of himself, but of the community at large, and he contributes to this general welfare, not in proportion to any share of personal aggrandizement, but in accordance with the elevated ethical conception of relative ability.

This, then, is the grand line of demarcation which separates taxes from fees and assessments. This is the reason why taxes are always the latest historical growth of State revenues. This is the reason why, in any line of governmental action, you can trace the development of the principle of benefits into the principle of ability. Take the common highways. At first, the highway is in the hands of a robber baron who exacts from the unfortunate passer-by what he chooses. In the next phase the highway is in the hands of the community; but every traveller is compelled to pay a toll in accordance with the presumed value of this service,—the heavy coach more than the light one, the equestrian more than the foot passenger. That is the principle of benefits. Finally, the advantages of the high road are deemed so important to the whole community that the tolls are abolished, and the expenses are borne by all the citizens,—not alone by those who derive a peculiar benefit, but by all. The principle changes from fees to taxes, the theory from that of benefits to that of ability. So the canals were formerly in the hands of feudal nobles, then supported by tolls by those using them, then finally free to all and maintained by taxes.

And so historically with every other department of government. The principle of benefits is everywhere discarded with the growth of the commonwealth. The tenant in Henry George's huge apart-

ment house pays not taxes, but fees. He chooses his apartment, demands and expects only a particular service, and pays only for that service. But the citizen of a modern State is different. In so far as he demands particular services, he pays his particular fees. But, in so far as he is born into the State, he is bound to support it to the best of his ability. Of course, if he is in a worse position than his neighbor, he will pay less taxes. But he will pay less taxes, not because he gets less benefits than his neighbor, but because he cannot afford to pay as much,—because, in short, his ability is less.

The principle of benefits, moreover, would lead us into the greatest absurdities. If we accept it, we must apply it logically. We must not restrict its beneficent workings only to the land-owner. One of the greatest benefits conferred by the State is that of protection. Now, the poor man is more protected in proportion than the rich. The Hudson River Railroad Company in its late strike was able to hire Pinkerton detectives to protect it. The poor man can hire no one, but must depend entirely on the State. According to this theory of benefits, then, the poor man must be taxed more than the rich. In truth, the benefits conferred by State action are quantitatively immeasurable. How can an individual measure the particular value to him of the schools, of the courts, of the police? To say that the benefits must be restricted to the unearned increment is wholly arbitrary, for that is only one of the benefits. And, even if we select unearned increment as the test of benefits, why restrict it to the unearned increment of land? Why is not the fortunate owner of railroad bonds, or of books or pictures, or the manager of a successful pool or ring or corner in produce, equally liable to pay for the unearned increment which the mere action of society has added to the value of his possessions? The principle of benefits or advantages, even if accepted as the measure of taxation, would not by any means result in the single tax. But, as we have seen, it cannot be accepted as the measure of taxation. Ability, faculty, not benefit, is the test and standard of justice in taxation. All great writers in finance accept this principle; and he who would again go back to the principle of benefits is guilty of a confusion of thought and ignorant of the history of the science he wishes to expound.

The problem of modern taxation is to define the constituent elements of this relative ability. It is the corner-stone on which the whole system of taxation must rest. But it is safe to say that



land rent is no satisfactory index of this ability. The subject of taxation is a far more delicate one than is dreamed of by those enthusiasts who would trample rough-shod over all existing institutions, and make *tabula rasa*. The naïve idea that the wants of a modern State may be supplied by a single tax is not a new one. In the middle of the eighteenth century there was a great single tax party in England, but its motto was a single tax on houses. In this century we have had enthusiasts for the single tax on expense, and in different parts of the Continent numerous votaries of the single tax on income; and at different times in the history of the world we have had the single tax on property. But the advocates of all these measures have been men without thorough training in economics, without a conception of the necessary complication of all modern revenue systems. There are to-day economists, worthy of the name, who are protectionists; there are economists, justly so called, who are socialists; but throughout the wide world to-day there is not a single man with a thorough training in the history of economics, or an acquaintance with the science of finance, who is an advocate of the single tax on land values. In biology, in astronomy, in metaphysics, we bow down before the specialist; but every man whose knowledge of economics or the science of finance is derived from the daily papers, or one or two books with lop-sided ideas, thinks that he is a full-fledged scientist, able to instruct the closest student of the markets or of the political and social organism.

Our system of taxation is far from being an ideal or even an approximately just system. We are still clinging in a great degree to mediæval errors. But, whatever be the much needed reform, it is safe to say that neither the American people nor the scientific student of finance will ever accept a scheme which is palpably unjust, which is either recklessly dishonest or irretrievably unequal, which consciously abandons the whole ideal theory of modern taxation,—that of relative ability or faculty,—and which seeks to put the burdens of the many on the shoulders of the few.

## THE SINGLE TAX PLATFORM.

ADOPTED BY THE NATIONAL CONFERENCE OF THE SINGLE TAX  
LEAGUE OF THE UNITED STATES AT COOPER UNION,  
NEW YORK, SEPT. 3, 1890.

[At this stage of the discussion, it seems proper to print the official declaration of the Single Tax League of the United States, adopted at New York in national conference, two days before the debate at Saratoga. This document may serve to correct any misunderstanding of the propositions laid down by Mr. George and his friends at Saratoga.]

We assert as our fundamental principle the self-evident truth enunciated in the Declaration of American Independence, that all men are created equal and are endowed by their Creator with certain inalienable rights.

We hold that all men are equally entitled to the use and enjoyment of what God has created and of what is gained by the general growth and improvement of the community of which they are a part. Therefore, no one should be permitted to hold natural opportunities without a fair return to all for any special privilege thus accorded to him, and that value which the growth and improvement of the community attach to land should be taken for the use of the community.

We hold that each man is entitled to what he produces. Therefore, no tax should be levied on the products of labor.

To carry out these principles, we are in favor of raising all public revenues for national, State, county, and municipal purposes by a single tax upon land values, irrespective of improvements, and of the abolition of all forms of direct and indirect taxation.

Since in all our States we now levy some tax on the value of land, the single tax can be instituted by the simple and easy way of abolishing, one after another, all other taxes now levied, and commensurately increasing the tax on land values, until we draw upon that one source for all expenses of government, the revenue being divided between local governments, State governments, and the general government, as the revenue from direct taxes is now divided between the local and State governments; or a direct assessment being made by the general government upon the States, and paid by them from revenues collected in this manner.

The single tax we propose is not a tax on land, and therefore would not fall on the use of land and become a tax on labor.

It is a tax, not on land, but on the value of land. Thus it would not fall on all land, but only on valuable land, and on that not in proportion to the use made of it, but in proportion to its value,—the premium which the user of land must pay to the owner, either in purchase money or rent, for permission to use valuable land. It would thus be a tax not on the use or improvement of land, but on the ownership of land, taking what would otherwise go to the owner as owner, and not as user.

In assessments under the single tax all values created by individual use or improvement would be excluded, and the only value taken into consideration would be the value attaching to the bare land by reason of neighborhood, etc., to be determined by impartial periodical assessments. Thus the farmer would have no more taxes to pay than the speculator who held a similar piece of land idle, and the man who on a city lot erected a valuable building would be taxed no more than the man who held a similar lot vacant.

The single tax, in short, would call upon men to contribute to the public revenues, not in proportion to what they produce or accumulate, but in proportion to the value of the natural opportunities they hold. It would compel them to pay just as much for holding land idle as for putting it to its fullest use.

The single tax, therefore, would —

1. Take the weight of taxation off of the agricultural districts where land has little or no value irrespective of improvements, and put it on towns and cities where bare land rises to a value of millions of dollars per acre.

2. Dispense with a multiplicity of taxes and a horde of tax-gatherers, simplify government, and greatly reduce its cost.

3. Do away with the fraud, corruption, and gross inequality inseparable from our present methods of taxation, which allow the rich to escape, while they grind the poor. Land cannot be hid or carried off, and its value can be ascertained with greater ease and certainty than any other.

4. Give us with all the world as perfect freedom of trade as now exists between the States of our Union, thus enabling our people to share, through free exchanges, in all the advantages which nature has given to other countries, or which the peculiar skill of other peoples has enabled them to attain. It would destroy the trusts, monopolies, and corruptions which are the outgrowths of the tariff. It would do away with the fines and penalties now levied on any one who improves a farm, erects a house, builds a machine, or in any way adds to the general stock of wealth. It would leave every one free to apply labor or expend capital in production or exchange without fine or restriction, and would leave to each the full product of his exertion.

5. It would, on the other hand, by taking for public use that value which attaches to land by reason of the growth and improvement of the community, make the holding of land unprofitable to the mere owner, and profitable only to the user. It would thus

make it impossible for speculators and monopolists to hold natural opportunities unused or only half used, and would throw open to labor the illimitable field of employment which the earth offers to man. It would thus solve the labor problem, do away with involuntary poverty, raise wages in all occupations to the full earnings of labor, make overproduction impossible until all human wants are satisfied, render labor-saving inventions a blessing to all, and cause such an enormous production and such an equitable distribution of wealth as would give to all comfort, leisure, and participation in the advantages of an advancing civilization.

With respect to monopolies other than the monopoly of land, we hold that where free competition becomes impossible, as in telegraphs, railroads, water and gas supplies, etc., such business becomes a proper social function, which should be controlled and managed by and for the whole people concerned, through their proper government, local, State, or national, as may be.

## 7. ADDRESS OF LOUIS F. POST, OF NEW YORK.

I have just come from a conference of men from all over the Union,—merchants, lawyers, doctors, clergymen, railroad men, manufacturers, and what outside of a scientific assemblage, and to distinguish them from the others, would be called workingmen. They came together to agree upon ways and means of promoting the abolition of all taxes save a single tax on the value of land, irrespective of improvements. This is what is known as the "single tax of Henry George." I call particular attention to the qualifying words, "irrespective of improvements," because I think my friend Mr. Clarke was in error in suggesting that the value of land could be ascertained by deducting the cost of the improvements from the whole value of the real estate. If you should build the Union League Club-house of New York City upon a lot of land in the village of Saratoga, the probability is that the cost of the house would be greater than the value of both house and lot. Hence we use the expression "irrespective of improvements," because that implies that the land should be taxed according to its value, without regard to what its improvements might cost.

The single tax is upon land values, not upon land. As Mr. Clarke has well said, it is an *ad valorem*, and not a specific, tax. If you taxed land specifically, so much an acre, regardless of location and fertility (as ignorant critics often suppose we intend), the tax would be similar to a tax on production. Under a specific land tax, no one could use any land without paying the tax, which would be as much for the poorest land as for the best. Such a tax would increase the cost of production, and therefore would be shifted to the consumer of the products. Land value is what the single tax would fall upon, and upon nothing else. Hence only valuable land would be taxed; while all other land would be free. In the beginning, no land has any value. Values arise and increase in consequence of the growth of population and the extension of industry,—in consequence of the advance of civilization. It is only when two men want the same land that it has value. When many men want it, its value is high; when but few want it,

its value is low ; and, when but one wants it, it has no value at all. It is this value, which with great population is high, and with the decline of population falls again, although the land remains the same,— this market value of land,— that we would tax.

There are three or four generally accepted canons of taxation, to the test of which we are willing to bring the single tax.

The first of these canons is that taxes should bear as lightly as possible upon production. This is the most important, so far as the augmentation and equitable distribution of wealth are concerned ; for taxes that bear upon production retard the production of wealth and affect its distribution prejudicially to the producer. The tariff tax interferes with trade ; and, as trade is a mode of production, it interferes with production. Even original production is discouraged by it ; for, when the original producer is hampered in his trading, he is burdened in his working. Tariffs shift from the man who first pays them to the consumer of the product for which they are paid. A tariff tax is part of the cost of production ; and, unless the consumer pays it, the article upon which it is laid will not be reproduced. All taxes upon personal property in course of reproduction are shifted to the consumer. They are taxes upon business ; and as such they are part of the cost of doing business, which must be paid by the consumer or business will cease, since no business can be done continuously below cost. Taxes on houses also are shifted. They are part of the cost of constructing houses. But a tax upon land values cannot be shifted. This is an obvious deduction from the Ricardian law of rent, the essence of which is stated by Mr. George in Book III. Chapter II. of "Progress and Poverty," as follows:—

*"The rent of land is determined by the excess of its produce over that which the same application can secure from the least productive land in use."*

In the same chapter Mr. George gives the general application of this law as follows : "The ownership of a natural agent of production will give the power of appropriating so much of the wealth produced by the exertion of labor and capital upon it as exceeds the return which the same application of labor and capital could secure in the least productive occupation in which they freely engaged." But, as Mr. George adds, these two statements are the same ; "for there is no occupation in which labor and capital can engage which does not require the use of land."

Rent being the excess of produce yielded to labor by some land

over what the same labor can produce from the least productive land in use, a tax on rent is a tax only on this excess; and, since the excess goes to the land-owner and the remainder to the land-user, and the price of a product is the same whether it be produced from rent land or from no-rent land, a tax on rent is paid once for all by the land-owner, and not at all by the land-user nor by the consumer of his product. Such a tax neither reduces wages nor increases cost of production.

I am not one of those who believe that, when professors give their sanction to a proposition in political economy, it is therefore sacred; but I do believe that, when intelligent men, whether in or out of the chair, have devoted their lives to the study of any problem, their conclusions are not to be inconsiderately cast aside. In political economy as in morals there may be many worthy teachers to expound, but never a pope to command. On this question of shifting taxes the teachers are in accord with us. Among them we have Professor John Bascom, who, in his treatise published in 1860, says at page 159:—

A tax laid upon rent is borne solely by the holder of land, since he cannot indemnify himself by raising the price of its produce. This arises from the fact that a rise of price would instantly enlarge the circle or increase the intensity of tillage, and thus by crowding the market again reduce the price. If the tax be laid on the profits of any manufacture, the price of the goods manufactured immediately rises to the full extent of the tax; and, as by this rise profits are only restored to their former level and to what is still their level in all other departments, no additional stimulus is given by the enhanced price to that particular manufacture, but rather the reverse. Not thus with a tax on rent. If the price of produce were thereby increased, a new margin would be given to cultivation, a new culture would be possible under this higher price, and a culture which being last would furnish no rent and pay no taxes, but which immediately overstocking the market would reduce the price to its former level, leaving the holder of land-paying rent to deduct the tax from that rent. This arises from the fact that the last land pays no tax and regulates the price of all produce.

Mrs. Fawcett, in the sixth edition of her "Political Economy for Beginners," published in 1884, says at pages 209, 210:—

Taxes which are levied on land, such as the land tax, the tithe, and the poor rate, really fall on the owner of the land, and not on the cultivator. If these charges are in the first instance paid by the cultivating tenant, he pays so much less rent: if he ceases to pay the tax, his rent is increased. A reduction of the poor rate

on land, therefore, is no permanent or direct benefit to the tenant. At the first opportunity, his rent will be raised to a sum corresponding to the amount of taxation of which he has been relieved. The land tax, whether small or great in amount, partakes of the nature of a rent paid by the owner of the land to the State.

In Professor Laughlin's edition (1887) of John Stuart Mill's "Principles of Political Economy," at page 550, Mr. Mill says:—

A tax on rent falls wholly on the landlord. There are no means by which he can shift the burden upon any one else. It does not affect the value or price of agricultural produce, for this is determined by the cost of production in the most unfavorable circumstances; and, in these circumstances, as we have so often demonstrated, no rent is paid.

In Walker's "Political Economy," edition of 1887, at page 413, the following is quoted from Ricardo:—

A land tax levied in proportion to the rent of land, and varying with every variation of rents, is in effect a tax on rent; and, as such a tax will not apply to that land which yields no rent, nor to the produce of that capital which is employed on the land with a view to profit merely, and which never pays rent, it will not in any way affect the price of raw produce, but will fall wholly on the landlords.

And Professor Walker himself, in the same edition, at page 200, paragraph 262, says:—

From the law of rent as it has been stated, we deduce the very important conclusion that rent forms no part of the price of agricultural produce.

McCullough, in his edition of Smith's "Wealth of Nations" (1846), says (at page 604) of Smith's notion that "taxes on the rent of land," taking the term in the popular and broadest sense, fall wholly on the landlords:—

This is an error. The sum paid to the landlords for the use of the natural powers of the soil might be entirely swept away by a tax, without their having it in their power to throw any portion of the burden on any one else; but, in so far as the rent of land consists of the interest of capital expended on improvements or buildings, it could not be taken from the landlord by a tax on rent. . . . In whatever degree the rent paid for land may consist of interest of capital laid upon it, in that degree would a tax upon such rent operate to raise the price of raw produce, and would in consequence fall ultimately on the consumer. In so far as the gross rental of landlords consists of payments made them for the use of the natural and inherent powers of the soil, it results not



But, if those in whom the privilege of possessing valuable land is vested are required to contribute the value of their respective privileges to a common fund, equality is secured. It is as if several joint owners of an estate should leave it in the possession of one of their number on condition that he regularly pay its value to all the owners according to their interests.

The single tax operates to apply to public use the value of the privilege of exclusively possessing particular land, and therefore is a more equal tax than any which takes from the citizen according to his ability. It is the taking according to benefits instead of according to ability that distinguishes just taxation from legalized piracy.

Rent is often called the "unearned increment" of land, and we are asked why we would not tax all unearned increments. It would be difficult to name any real unearned increment which does not attach to land, or at least to special privileges in the nature of land,—such privileges, for example, as highway franchises. Without going into this subject, however, it is enough to reply that we propose to tax land value, not merely because it is an unearned increment, but because it is an increment which is unearned by the individual *and attaches to common property*.

The single tax would have great and beneficent social and industrial effects. It would make it expensive to keep valuable land out of its best use; and, as profits would flow from use and not from mere ownership, there would be greater demands for labor and capital, greater opportunities for both, and consequently higher wages and more prosperity in business. This would dispel the cloud of poverty, and threatened poverty, that now hangs over so many industrious men. Involuntary poverty could not exist under the single tax, because opportunities for all kinds of labor would be unlimited.

The common right to land was, in the beginning, the principal contention in connection with our movement. And now, when we lay stress upon the single tax, it is ignorantly supposed that we have abandoned the old doctrine. Not so. The single tax is the mode of establishing the old doctrine, and that we have found a place for it in current political discussion is evidence, not that the old doctrine is abandoned, but that the day of its establishment approaches. Our movement has passed from the phase of vague agitation into the realm of practical politics, which is but one remove from the realm of practical statesmanship.

## 8. REMARKS OF EDWARD ATKINSON, ESQ.

*Mr. President,\** — I can sympathize very fully with the impatience of the advocates of what is known as the single tax upon land valuation. In my younger days I have myself indulged in visions of the discovery of a panacea by which poverty might be abolished or very greatly alleviated. But I have been unwillingly brought to a conclusion which is quite at variance with the view held by Mr. Henry George.

In Mr. George's reply to my article in the *Century Magazine*, he closes with the statement that the cause of poverty "is not in human nature; it is not in the constitution of the physical world; it is not in the natural laws of social growth: it is in the injustice which denies to men their natural rights; in the stupidity which diverts from its proper use the value which attaches to land with social growth, and then imposes on industry and thrift taxes which restrain production, and put premiums on greed and dishonesty,—injustice and stupidity which ignore the true rights of property, and turn governments into machines by which the unscrupulous may rob their neighbors." Sincerely holding to this view of the cause of poverty, it is not to be wondered at that Mr. George should seek for a panacea, or that he should hold to the erroneous conclusion that, because the rich grow richer, the poor grow poorer.

A mere glance over the figures of production, measured either in quantity or value, and a very superficial examination of the imports which are received in exchange for our exports, will prove without the possibility of a doubt that the greatest gain in production and distribution during the present generation has consisted in the increase both in the product and import of the necessities of life rather than in the luxuries of the rich. This vast increase — greatly outmeasuring the increase of population — of the things which are consumed by the working classes (in the narrow sense

\* I was not aware until this date (October 2) that what I had to say at the meeting of the Social Science Association, a few weeks since, was to be printed. I am suddenly called upon to furnish immediate copy for that purpose, and can only do this by shortening, as well as I can, a manuscript which I carried with me to Saratoga, but did not read. I took from it most of the points which were incorporated in my first reply to the advocates of the Single Tax System. I regret that on such very short notice I cannot recast this manuscript and make it somewhat shorter, but time does not suffice.

in which we use that term) has all been consumed. The rich could not have consumed it; and in this more abundant consumption the great masses of the people have attained better conditions of life, or might have attained better conditions of life, had all chosen to do so, than at any time in the history of this or of any other country. I hold, therefore, in opposition to the views of Mr. George, that, under such conditions of greater abundance and better and better opportunity to attain welfare, the main cause of poverty is to be found, *not* in institutions, *not* in unjust statutes, but mainly in the lack of that intelligence which prevents great masses of people from sharing in the welfare which science and invention, even under existing statutes, have placed at their disposal.

I do not find in the proposition to raise the entire revenue of the country by way of a single tax on land valuation a remedy for existing wrongs. I do find that, if that method of raising the public revenues were adopted and applied, some existing wrongs might disappear; but I also find that probably greater wrongs would be brought into action.

The advocates of the single tax system, in their impatience with opposition, are very apt to say that those who oppose them do not fully comprehend what Mr. George means. Mr. George says that I do not comprehend what the single tax really is. His associate, Mr. Croosdale, who has edited the *Standard* during his absence, says that I "am intellectually incapable of comprehending the theory of economic rent." All this may be true; but the gentlemen who advocate such a profound change in the institution of property as that involved in the single tax advocated by them must bear in mind that it is incumbent upon them to state their case in such terms that men of average intelligence may comprehend their purpose, and may also comprehend the propositions on which it is based, else they will not carry their measure. I do not claim any more than the average intelligence, and I therefore think I am entitled to such a clear statement of what these gentlemen really mean as may enable me to comprehend their purposes and their plans.

I think Mr. Samuel B. Clarke, in what he calls "A Lawyer's Reply to Criticisms upon Mr. George" (published in the *Harvard Law Review* for January, 1888, and adopted by Mr. George, when he published this article, in a tract at the office of the *Standard*) has made, perhaps, a clearer statement of what seems to be

the purpose and plan of Mr. George than he has himself. But I observe that Mr. Clarke's construction of Mr. George's theory is entirely inconsistent with what Mr. George says for himself is his purpose. Therefore, in my present treatment of the subject, I shall set off Mr. S. B. Clarke against Mr. Henry George, in order that we may proceed with due regard to the exact points on which this discussion has been invited. Before entering upon the exact line of my own conception of this subject, I will endeavor to indicate the profound difference in the theory of Mr. George and the theory of Mr. Clarke, whose work Mr. George has adopted.

There is a distinct agreement in relation to the proposed method of taxation, but an absolute disagreement on the fundamental principle on which it is to be sustained. Mr. Clarke, Mr. George, and myself concur in one point; namely, that there is no absolute property in land in any States which are founded on the English common law. In fact, there is, I believe, no absolute property in land anywhere. Conditional property in land — *i.e.*, peaceful individual possession of specific parcels of land — is admitted to be necessary to its use, by Mr. Clarke, Mr. George, and myself. In dealing with Irish land, Mr. Clarke, however, lays down a principle which is the very reverse of this in the most positive manner. He holds that every person has an equal right in land with every other person. He says: "As no law, or custom, or agreement can justify the denial of the equal right to life, so no law, custom, or agreement can justify the denial of an equal right to land. It therefore follows from the very fact of their existence that the right of each one of the people of Ireland to an equal share of the land of Ireland is equal and inalienable."

Throughout his treatise Mr. Clarke denies the right, the justice, or the propriety of any ownership in land of any kind, admitting most fully that, if ownership is right, then both the "unearned increment" and the "economic rent" of land belong to the owner.

Now, I venture to ask: On what ground can the people of Ireland claim equal rights in the land of Ireland against the equal claim of the people of any other country to any part of that same land? How can Mr. Clarke deny the right of the people of Ireland to an equal part of any portion of the land of North America? He subsequently admits that this theory will not work; and he admits the power, if not the right, of the State to grant the ownership or possession of the land of Ireland or of any other country to individuals, on condition that such owners or possessors shall convert all rent to the use of the State.

Mr. George, on the other hand, holds throughout his argument, and especially in his reply to myself, to the absolute necessity of giving conditional ownership, or complete, full, and peaceable possession of land, to those who may choose to take it under the new condition; and he has justified this OWNERSHIP in many ways, not only in fact, but in words. He says, "In applying to public use the power of drawing on the general wealth which pertains to the ownership of land, we discourage ownership without use." In that phrase he admits the *ownership* which he later justifies in the following words: "It [*i.e.*, ownership] arises from the necessity which comes from the highest use of land of giving individual possession, and from the difference in the capacity of land." And, finally, after advocating the single tax on land valuation, he justifies it only in these significant words: "Under such conditions, men would not care to hold land which they did not want to use; and users of land, where their use was more than transient, would become the *legal owners*, having the *assured privilege of peaceable possession and transfer* [of land] as long as the tax was paid."

Now, gentlemen, Mr. Clarke, claiming to quote from Mr. George,—whose thesis Mr. George has adopted,—denies the right or justice of ownership of land of any kind. Mr. George sustains the necessity of private ownership of land in the most positive terms; and he is right. Even Mr. Clarke is obliged to admit it. To haggle about the difference between possession and ownership of land is mere word-catching. But Mr. George uses the term "ownership" (*i.e.*, *private ownership*) in the most positive way. Neither they nor myself set up absolute ownership. Therefore, it follows of necessity that the only ground of difference between the advocates of the single tax system, who concur with Mr. George in admitting the absolute necessity of private ownership of land, under suitable conditions to which all shall be subject alike, is as to the *conditions* under which that private ownership and possession shall be granted, and under which peaceable possession through all time and through all transfers shall be sustained by the whole power of the State.

The communists have made a mistake, and Mr. Clarke has made a mistake, in the presumption that Mr. George would interfere in any manner with the conditional but peaceable possession and ownership of land sustained by the full power of the State; *and that is a most important distinction.* That distinction brings the discussion of the single tax upon land valuation within the

domain of political economy. It makes the question one of mere expediency, on which we have as yet no experience to guide us. Is it or is it not better to raise the necessary revenue of the country by a single tax on land valuation than by numerous taxes imposed in other directions, or on other kinds of property, or in other ways?

I am perfectly content to discuss the subject on that issue; but I think the advocates of this tax should not charge their opponents with want of comprehension when they utterly fail to agree among themselves on the fundamental propositions underlying the whole subject.

I have demonstrated to you that Mr. George sustains most fully the right of property in land, unless "individual ownership and peaceable possession sustained by the full power of the State" do not give or grant individual property in land.

Mr. Clarke says, "Grant that the land is his property (that is, the property of a private person), and necessarily he is entitled to it at any particular time,—that is, he has a right to exchange it at that time for other things, if he will and if he can; and it is nobody's business whether he receives for it upon exchange many things or few, much money or little."

Mr. Clarke says, "The truth is that a claim upon the value of land can be substantiated only by *first successfully impeaching the title of its occupant.*" Mr. George has adopted Mr. Clarke's thesis, and has printed it with his name upon it; yet Mr. George says that the users of land, where their use is more than transient, will become the legal owners, having peaceable possession and transfer as long as the tax is paid, and he advocates individual titles under this condition. What is the right of transfer except the right of purchase and sale? What is peaceable possession and legal ownership except a grant of property in land by the State? But Mr. Clarke goes further: he says, "The argument for the land-value tax is very apt to assume the form, that because the value of land increases without effort on the part of the land-owner, as the community grows, therefore the community earned such value and may take it for other purposes," adding, "*In that form the argument is fallacious beyond question.*" Yet that is the whole ground upon which Mr. George proposes to take the rent or the so-called unearned increment of land for public purposes.

Now, gentlemen, what do you mean? On what ground do you stand? Do you sustain the thesis of Mr. Clarke that every indi-

vidual upon the earth has an equal right to an equal part of the whole land of the whole earth? If so, say so. Or do you concur with Mr. George in sustaining the private ownership of land, and peaceable possession under such conditions as may be found to be just and expedient for the collection of the public revenue? Until you have removed the obscurity on this fundamental point which exists in your own leading publications, issued under the same imprint, from the office of your own advocate, and sustained by your chief prophet, you have no right to charge your opponents with any lack of comprehension of what you mean; for you do not appear to know what you mean yourselves.

There is a certain element of truth in both the forms in which this proposition has been submitted by Mr. George and by his advocate, Mr. Clarke, although they are so diametrically opposed to each other in their definition of what is intended. There is a substantial agreement or admission under the English Common Law of the right of subsistence from the political division of land on which each person is born. The State is a growth: it is not an expression of natural rights. It is a form of society, established by law, by which the lawful rights of the community may be enforced. These legal or lawful rights have become defined through the long existence of nations, and have gradually crystallized into the forms of Common Law. The Common Law provides in respect to Ireland,—and to its political divisions,—in respect to every parish in England, and in respect to every town and township in the United States, that every man born within that purely artificial or legally established political division (county, city, parish, or township) has a legal right to subsistence, shelter, and clothing within that political division at the cost of those who occupy that division. The State, however, empowers its members to impose the conditions under which such men shall be maintained. If you cannot earn a living for yourself, the State will provide for you; but the State dictates the method in which this provision shall be made, and also provides ways and means by taxing all other citizens for your support.

The theory of natural rights and of equal rights in the soil was long since given up, outgrown, or laid aside, as being wholly inconsistent with the existence of the State; while the State itself has been recognized as necessary to the existence of the people, in order to save them from anarchy, and to provide in ever increasing measure for their protection, their subsistence, and their

shelter, by establishing their lawful rights consistently with progress in the development of jurisprudence. The anarchists are logical. They would abolish the State; they would establish the rule of the strongest, as it was in prehistoric days; they are the only consistent advocates of natural rights. The communists are illogical. Mr. Clarke is illogical. Mr. George is illogical, if he accepts the theory of natural rights presented by Mr. Clarke. The very fact that Mr. George calls upon the State to establish a system of taxation based wholly upon land valuation, for the maintenance of the State itself,—for the protection of its citizens, and for the purpose of sustaining the “legal ownership and peaceable possession of land,”—proves that he has completely surrendered the theory of natural rights on which Mr. Clarke bases his denial of any sort of private ownership of land, under any conditions, and impeaches all titles.

I will now take up the single tax on land value as a mere question of expediency; *i.e.*, a mere method of supporting the State. I will submit my views as to the want of economy, the injustice and the wrong, which might ensue from the adoption of this proposed method, admitting fully that there is as yet no well-established science of taxation. As I have stated in my article in the *Century*, on “Comparative Taxation,” we must be guided mainly by experience in eliminating the obnoxious provisions of our existing laws, while carefully avoiding revolutionary changes which might bring in seven devils in place of the one which we might perhaps eject from our national household.

The difference between Mr. George and some of his coadjutors and myself or others who sustain the existing system of land-holding is wholly one affecting the conditions upon which the land shall be held in private ownership and peaceable possession, and not in respect to such ownership and peaceable possession, which is uncontested by Mr. George, although contested by Mr. Clarke. Others impeach all titles, and admit no rightful possession or ownership.

This difference in respect to the conditions of possession—whether rightful or only admitted from expediency—grows out of a difference in respect to the theory of rent. In respect to rent, we may concur that there is a certain form of income which in some way or somehow is derived from land by individual owners or possessors, and which has been named “rent.” What is rent? Mr. George has broadened the common conception of



what constitutes rent by including under that name what Mill calls the "unearned increment," or the rise in the value of land, which is commonly attributed to the progress of society.

Mr. George would not apply the single tax to all land, but only to that land which yields what some economists have attempted to define as "economic rent," and to what Mill termed an "unearned increment." In my *Century* article I said that the single tax men overlooked the fact that taxation and work are synonymous terms, to which Mr. George replies, "This indeed we do, for the reason that there is no such fact." "But," he adds, "it is true that taxation can be paid only in the products of work," and that I should "have been right, had I said that all taxation, no matter on what levied, can be paid only in the product of labor and capital."

I have, I believe, average intelligence; and these statements remind me of a description which was once given of one of my friends of old time, who adhered to his own side of all questions with such tenacity that it was remarked of him that "he was like a bull-dog with confused ideas." I do not think that any one will deny that work must be done, in order that there may be products of work. Hence it follows that, if rents, taxes, earnings, wages, salaries, and all other divisions into which the products are sorted in the process of distribution, of necessity imply that work has been done in their production, then I think I may rightly claim that some part of the work of the community must of necessity be devoted to the production of those things which are either directly or indirectly devoted to taxation.

Land will not yield its products for division in the form either of rent, interest, taxes, or wages, unless labor and capital are worked upon it. Taxation and work, as well as rent and work, are synonymous terms to this extent, that at their measure in money so much of the product of work is devoted to their liquidation. Conversely, if no one works in order that he may pay his taxes, then it is equally true that no one works in order that he may pay his rent; and it would follow that neither taxation nor rent would be any burden.

Is it not true that what Mr. George aims at is to take that part of the work which is devoted to the payment of rent, and convert it over so that it shall become a substitute for that part of the work which is now devoted to taxation? That is what the advocates of the single tax distinctly aim to accomplish, upon the

ground that those who receive rent secure the products of work without performing any corresponding or equivalent service. They rest, therefore, wholly upon the hypothesis of Ricardo, that rent is due to certain properties of the soil, or to certain conditions of society, which are of such a nature that he who obtains the ownership, possession, or control of certain parcels of land may convert that part of the product which corresponds to rent, or that part of the work which is synonymous with rent, into a money income, which, being secured to his own use and enjoyment, gives him something which he has not earned. In other words, the advocates of the single tax make the landlord who secures rent a pensioner supported by the work of others. Mr. George holds that economic rent does not belong to the individual, but should be taken by society, under the forms of law, and should be converted to the public use as a substitute for all other measures of taxation. He holds that his rent may be secured by way of taxation, and may save the community either that part of the work which they now pay in one form or another as rent or which they now secure as rent, when as land-owners men become their own landlords. By substituting this increment or product for the additional product now devoted to taxation, Mr. George holds that we may save to the community that part of the product of the work which is now devoted to taxation. This hypothesis opens two distinct lines of thought : —

1. Is "economic rent" (if there is any such rent), or rent paid for the use of land, or rent secured from the use of land, an injustice ?
2. Can it be taken from those who possess the land without their being enabled to distribute the burden of the tax by which it is taken upon the community ?

These problems must be treated upon the admitted necessity that land must be divided into parcels and held separately in individual possession, in order that it may be put to productive use. The first is a question of right : the second is a question of practice. We will deal with the practice first, and we will deal with the alleged injustice afterward.

This *dogma* of the non-distributive quality of the single tax on rental value — for it is nothing more than a dogmatic assertion, resting neither on inference or proof, that rent, or a single tax substituted for rent, cannot be distributed through him upon whom it is first imposed upon the community — reminds me of the old story

- of the man who, being in jail, sent for his counsel, and submitted his case to him. "Why," said the lawyer, "you cannot be put in jail for that offence." "But," responded the man, "I am in jail. What I want of you is to get me out."

In my *Century* article, I cited the books of any established manufacturer in proof of the fact that taxes upon land value, rents, and all similar burdens upon land or land valuation, *are distributed*, being charged to the cost of whatever is produced in the factory. Mr. George remarks that "one does not learn political economy from the account books of a manufacturer," or something to that effect. I venture to remind him that he who undertakes to study political economy without paying regard to the facts which are disclosed by the books of manufacturers and others will deal, as Ricardo did, merely with a hypothesis which may not be justified by the facts of life. I value hypotheses, and I value the deductive method. Many brilliant discoveries in science have been made by these methods, but they are wholly out of place in dealing with such questions as we now have before us.

I stated that all taxes — whether on land in its primary form on which the factory stands, or on land in its secondary form of bricks of which the factory may be built, or on land in its tertiary form of iron after it has been taken from the mine, and has been converted into metal and finally into machinery — are invariably charged to the cost of manufacturing, and are recovered from the consumers of the manufactured goods. Unless the manufacturer *can* recover these taxes, together with all other elements of cost (together with a charge corresponding to an insurance on the risk incurred), and can make a profit corresponding to that which can be made in other pursuits over and above all such charges, he will either become bankrupt or he will go out of that business and apply his labor and capital to something else. I venture to affirm that no tax which may be put either upon productive land or upon other forms of productive property can be made to stay where it is put, except it is imposed in the form of a tax upon successions or bequests of such property. Possibly, a tax on incomes might not be directly distributed.

I will venture to cite myself as one of the agents through whose instrumentality every man in this room has been charged with, and has paid, a part of the tax on the rental value or assessors' valuation, and also a part of the rent secured by the landlord himself, who owns one of the most valuable pieces of land in the

city of Boston. It is doubtful if any single person can be found through whose agency a part of the rent secured from land, and a part of the Boston taxes imposed on land valuation, are so widely distributed and recovered from the consumers as myself, owing to the peculiar nature of the business which I conduct. The office which I occupy in Boston, as president of a Factory Mutual Insurance Company, is in the sixth story of a building standing upon land worth \$30 per square foot, the building itself being worth \$20 per square foot of ground covered, that being almost the identical average of the value of all land in the city of Boston as with all buildings; to wit, three to two. This property is taxed to the owner at these valuations. The sixth story was added to the building at my instance. The bargain made for the rent to be paid for the first five years covered interest upon the cost of construction, repairs, depreciation, cost of service, and the full proportion of the rent and taxes on the ground. Superiority of situation, due to the growth of society, enabled the owner to secure from me as his tenant all the taxes, insurance, and other charges, profits or interest on the building, and an economic rent equal to the rental value of the land occupied. If I had not agreed to make this payment, he would not have constructed the addition to the building, from other parts of which he had already secured an income of a similar kind. After the first term of the lease had expired, I paid in advance, because I could not get accommodation anywhere else on so good terms, no one being ready to apply capital and labor to the construction of buildings on any land, unless with the expectation of recovering income in full measure on the investment, rent and taxes from the occupants. By occupying that building at the cost of rent and taxes, the general cost of my work is diminished more than it is increased. The highest rents and the highest taxes are paid by those whose service to the community is done at the lowest cost.

Now, the company of which I am president insures, under the mutual principle, nearly every first-class textile factory and paper mill. The cost of their insurance is charged to them. It includes the amount of loss incurred by fire in each year, the salaries of the officers, and other personal expenses of conducting the company, and also the rent and taxes of the office occupied. That cost of insurance, together with the tax on the factories themselves, is charged to the cost of the goods; and the goods would not be made for sale except at an average profit over and above

these charges. You are among the consumers who buy these goods. In nearly every yard of cotton or woollen cloth, and in nearly every sheet of paper of which you make use, there is a charge for rent and taxes on that Boston lot of land. If all the expenses of the city, and the national taxes also, were consolidated in a single tax upon that lot of land,—the rental value of which is now represented by a principal sum appraised at the rate of \$30 per square foot,—the difference to you would be that, while you would be saved other taxes, you would pay about four times as much tax in the cost of your cotton and woollen cloth and your paper that you now do. You would be very sure to pay this, because it is necessary to the investment of the capital upon and to the use of that land that “legal ownership and peaceable possession through all time and through all transfer” should be given to some individual person, according to the theory of Mr. Henry George, with which I fully concur. That person would not invest his capital in a building placed upon that land, or upon any other lot or parcel, unless he could get the full income upon his capital over and above the single tax. The single tax would therefore become a part of the cost of the conduct of the insurance company, just as much as a partial tax upon the land now does. This is as true of the factory and the workshop as it is of the insurance company,—all taxes on the site, the building, and the work, are included in the cost of goods.

Now, with regard to the hypothesis of Ricardo in respect to agricultural land. This hypothesis is thus given: Two parcels of land, the one very fertile, the other of average quality. The latter, being cultivated, will yield back in its product merely the cost of cultivation. The other will yield the cost of cultivation and an additional quantity possessing a certain value. That additional quantity is defined as economic rent. This hypothesis holds true, *provided* the two lots of land were cultivated by the *economic man*, the myth of the deductive economists, the man who would be an automaton if he were in existence, always actuated by the same motives, governed by the same measure of intelligence, and yielding or securing in response to his effort identical results. There is no such man; and I think this hypothesis of economic rent falls to the ground with the shadow of the economic man.

The variables from these necessary conditions of economic rent are so numerous that, when one has dealt with them, the rule is

buried out of sight and out of mind under the load of exceptions. Put two actual men on two lots of land, the one with intelligence on the poor lot, and the one of average stupidity on the good lot, and each may only recover the cost of production. Change the conditions,—put the intelligent man on the good lot, and the rather stupid man on the poor lot: the intelligent man will gain a large rent, the poor man will fail to get a subsistence, and will become a pauper. Put two men of different capacity on land of the same quality, and on the same crop one will get a large rent, the other will barely get a subsistence. Deal with two lots of land in the same city; put a good building on one and a poor building on the other; one will yield a large rent, the other no rent at all. It is neither the quality of the land nor the possession of the land which governs the income: it is the labor and capital applied to the land, and, more than all, the mental capacity (*i.e.*, the mental faculty), which is the prime factor in all production. Land itself possesses no value. The price paid for it is paid for the choice of lots.

Economic rent is a mere hypothesis, based on the supposed action of an economic man, like whom no man ever existed. It is not a working theory, and may be safely disregarded in the consideration of the subject with which we are now attempting to deal.

There is another element of alleged profit to individuals, which it is claimed that they take without effort, in what Mill called the "unearned increment," which Henry George confounds with Ricardo's hypothesis of economic rent. The so-called unearned increment is the margin which an owner can obtain from the sale of land which had no original value, but has been raised in valuation by the progress of society. It is admitted that there is such a profit. It is admitted that men of exceptional sagacity and skill in the management of property may buy land, hold it unused, lose interest upon it, and pay existing rates of taxation, and occasionally make a profit above the current rate of interest. According to my observation in the matter of dealing in land, it has not been an exceptionally profitable kind of dealing. And men do not, as a rule, gain by it in any considerable measure, if any, beyond what the same skill and sagacity or mental work would have gained for them in dealing with what may be called the secondary or tertiary forms of land; that is to say, dealing with the products which are derived from land,—which products, we may say, are

merely land raised to the second, third, fourth, or fifth power, as the case may be.

It may be said of these products, as it was written or inscribed on the corner of a great granite mill by the builder : "All things have been others, all things will be others." He little knew how true a prophet he was. He built beyond his means, and his mill belonged to the mortgagee before many years. We may say of land and its products, including men : *All things have been land, all things will be land.*

The whole of life consists in the conversion of forces derived, at first from land by the use of the tools ; but land itself is but the *primary tool* which is made use of in the process of converting the forces of nature by which life is sustained. It is a laboratory rather than a mine, in a broad and general sense. It may be used or misused, exhausted or enriched, rendered more valuable or less valuable in exact measure to the labor, capital, and intelligence which are applied to the conversion of forces worked on land into the secondary and tertiary forms. Land of no original value, and of little original utility, becomes useful and valuable in reflex to the labor, capital, and intelligence applied to it.

Now, in regard to the so-called unearned increment, I question very much that there is any unearned increment anywhere, if we regard the land of any given country *as a whole*. There may be some places like Ireland, for instance, where a bad system of land tenure and of absentee landlords has brought about a temporary congestion of the population ; and this may have created an increment of rack rent, or an unearned increment of increased value, which would only recur under extraordinary conditions. But, in the case of Ireland, the attempt to stop all rent has destroyed the value of the land, and has now rendered it almost incapable of production, not for lack of labor, but of capital and intelligence.

If we view this country, however, *as a whole*, paradoxical as it may appear, I think I may venture to hold that there has been no increment or increase in the value of the land of the United States which would approximate even to the measure of the diminished effort now required on the part of those who desire to obtain possession of land, as compared with what the necessary effort was, say, a century ago.

The progress of society which leads men to bid against each other for the choice of lots (this is what really creates the value of land) has been brought about by the construction of highways,

the building of railways, the removal of the timber for purposes of construction, and other methods by which the land has been rendered capable of cultivation or of other use. A century ago land was without value. It has been distributed down to very recent times under free grants of one sort or another. But before the construction of highways, and yet more before the construction of railways (*i.e.*, before society had made great progress), the effort necessary to bring valueless wild land or raw land into a productive condition was something of which the present generation has little or no conception. It was the hard work of a lifetime of a large part of the population. There was no rent, especially no economic rent; hardly any land yielded more than a bare subsistence. Hardly any occupation, except that of commerce on the high seas, yielded any wealth in excess of a mere subsistence. The lesser amount of taxation was an immensely heavier burden than even excessive amounts now are. There could have been no single tax upon land at that time, because there was hardly any valuation of land or any economic rent, or rent of any kind, to be converted over to purposes of taxation.

Compare those conditions with the present. If you raise the assessors' valuation of the land of the United States, which is often below market value, to a full market valuation, then it will appear that each unit of the adult population, each man of arms-bearing age (if we may take each man of that type as the average unit), may now obtain land by purchase at its average valuation by earning the money with a tithe of the effort once needed. This money an industrious man can lay up in very much less than a lifetime, and can thus come into the possession of land with the least effort. A few years of service, conducted with industry, energy, and skill, will yield money enough to buy or to pay for the choice of land at its present average valuation, in far greater measure than the measure of the effort required to conquer free land from the wilderness a century or even a half-century ago. Land is more easily and readily obtained by purchase now than it was by mere occupancy formerly.

If such are the facts, there is no such thing as unearned increment in any large sense. On the contrary, there has been a constant decrement in the effort required, on behalf of the average man, to become the possessor of land coincidently with the progress of society and the application of labor and capital to the development of the whole territory of the United States. We have



not approached the end of these conditions. The end is not even within sight. With the progress of society,—that is to say, by the application of science, invention, and capital to productive industry,—the cost of living at a given standard has been steadily diminishing, while the rates of wages and the purchasing power of earnings have been as steadily increasing. With that diminishing cost of living and that advance in the earning power of labor, there has also of late years been a general decline in the valuation of land, except in a very few cities.

I therefore hold that the very progress of society, which raises the special value of land in particular cases, at the same time diminishes the general cost of land to him who desires to possess it, if we measure cost, not by the money, but by the effort which may be necessary to be exerted in order to come into such possession. Land can be more easily brought into possession by the masses of the people at its present valuation than it could have been when it was absolutely free for any one to become possessed of it who might choose to make the effort. The hypothesis that land is becoming more and more the property of the few, to the exclusion of the many, finds no support in the statistics of ownership. The mortgage system greatly facilitates the distribution of land, and profits the borrower as much as the lender. The allegation that much land is held for speculative use, less than its true valuation, simply proves, if it be true, that the assessors of taxes in that locality do not perform their duties.

The conclusion of this whole matter of social relations to which I have been brought by my observation of the facts of life is this: The law of competition is an expression of mental energy. Mental energy is the most potent force in material production. Competition corresponds to the forces which in the physical world have been named gravitation and friction. Gravitation and friction, viewed in one light, are obstructions to progress which must be overcome; yet without their existence there could be no progress, no motion of any kind. Competition is a form of mental energy which is ingrained in the human mind. It is irremovable and ineradicable, in many cases a cause of obstruction, yet in the larger sense the main factor in all progress in material welfare. Competition rules, whether we will or not, not only in the production and distribution of the products of the land, but in the maintenance of the properties of the soil and in the distribution of the land itself. It is a force which is subject to control and

direction, but not to suppression. It bursts every bond by which the attempt is made to suppress it ; and, the more rigid the bond, the more serious the break.

Regarding competition, then, as a beneficent force, working constantly in the direction of higher welfare, and to the leading of the masses of the people to a higher and higher plane, as time goes on, we should investigate its lines of work in each and every direction ; and I think we should be led by complete and logical analyses to the final conclusions which I have elsewhere stated : namely, Given only statutes for the prevention of fraud and the enforcement of contracts, free competition leads directly to greater and greater abundance, to diminishing the quantity or valuation of the capital which is required as a factor in production, to higher wages both in amount and in purchasing power,— which are the correlative or result of a constantly diminishing cost of production, when such cost is measured either in terms of labor, or effort, or in time, — while the competition of capital with capital tends constantly to a minimum of profit.

There is another paradoxical proposition which I may now add to this which I have previously presented ; namely, in the competition of society through its units in constructing railways, establishing cities, and in bringing civil order into effect. While *some* land is rendered more valuable, *all* land is rendered more available ; and while it is necessary that specific lands shall be held in private ownership, under certain conditions, in order that all production may be conducted in the most effectual manner, it is not necessary that all land should be held, either in common or in severalty, by all men for the purposes of such primary production.

Finally, through this competitive method of constructing society, and of dealing with land and establishing its valuation by purchase and sale, all men are enabled to obtain parcels of land at less cost or effort to themselves than ever before. Therefore, under the law of competition affecting land, the widest distribution will occur under the least onerous terms. This rule is of course subject to modification of the conditions, from time to time, under which such limited private ownership is permitted by law. We may therefore treat the single tax system merely as a method of taxation, and not as a fit method of working the distribution of land. As a mode of taxation, I should regard it as one of the most onerous which could be adopted, and the least expedient to be considered with a view to its being put into practice.

I think it would be easily proved that, in the competition to develop the country, and to attain a profit from the rise in the value of land, such facilities have been created through the application of labor and capital as to have greatly widened the distribution of land, and have rendered the possession of land more sure and at less cost than would have been the case had this competition been restricted, or had land been made subject to a single tax equal to its rental valuation.

This view of competition and of land-owning is not "*laissez faire*," either run mad or otherwise. It does not preclude town or city organization for many practical purposes, nor State intervention and action in matters which the State in its function of corporation may rightly undertake.

## 9. REMARKS OF HENRY GEORGE.

I have listened with pleasure to the brief address of Professor James. So far as I can gather from it, the only thing that keeps him from being a single tax man is the idea that we propose to institute the single tax immediately; for I think he will agree with us that whether economic rent be more or less does not affect the main question. If it be not enough to support present public expenses, we can at least take it as far as it goes, either reducing our expenses to that point or supplying the deficiency in some other way. If it be more, I think he will agree with us that with the growing needs of society there will be no difficulty in finding good use for it.

I wish you gentlemen who oppose the single tax would come together and settle among yourselves what the proper answer to our arguments is. For no one can listen to the objections that have been made without seeing how largely they cancel each other, and I am satisfied that, if you were only to fight it out among yourselves, there would be no objection left for us to meet. But, as I have been asked to reply to the objections that have been made, I will confine myself to a few of the more important. In the first place, to select that which I think lies at the root of nearly, if not all, other objections, let me speak of the matter of compensation.

Professor Seligman, in his address, admitted substantially the principal things for which we contend, but urged mainly this objection: that, to carry out the single tax, it would, as a matter of justice, be necessary to compensate present land-owners, and that having to pay out with one hand, while taking in with the other, would neutralize the benefits. I do not think this quite true. In any growing country I think the land might be bought and compensation made, and still a residual benefit be left, for the future at least. But I do hold that any plan that involves such compensation is utterly impracticable, and that the people, of whom there are many in England, calling themselves land nationalizers, who propose to make the land again the property of the nation by buying  
re, so far as their direct object is concerned, wasting their  
we single tax men deny the necessity of compensation.

We deny its justice. Nor is it practicable to attach it to our plan. What we are proposing is taxation. Compensation does not consort with taxation.

We do not propose to take any land without paying the owner for it. We do not propose to take land except where it is needed for special public uses. And, where this is done, we would continue the present practice of compensating the owner for its selling value, as long as it has any selling value. So far from quarrelling with the justice of this, we fully recognize its justice. For to take land from some without compensation while leaving it to others would be making fish of one and fowl of another. But, while we propose to continue the present practice in this respect, we also propose to continue it in another. The present practice is to compensate people from whom property is taken, but it is not to compensate those on whom taxes are laid. I never in all my life heard of the imposition of a tax with accompanying compensation to the people who were ultimately to pay it. If compensation of that sort is just, I have a big bill against this community myself.

But it is not merely that we do not in form propose to take any thing from its owner: it is true in reality. We do not in reality propose to take from any one what he already has, even though he has it unjustly. What we do propose is that we shall *in the future* take for the community the revenue that properly accrues to the community. We do not propose to settle old scores. We do not propose to bring a bill against any one for what has been taken that belongs to the community. We propose to let by-gones be by-gones, and virtually to say, "Keep what you have; but don't do it any more."

People are led into confusion by assuming that we propose to take land from its owners. They are also led into confusion by assuming that the selling or capitalized value of land is something that has already accrued to the owners,—something already in their possession. That this is an error may be readily seen. What gives its selling value to any piece of land? Not what it has yielded to the owner in the past, not even what it is yielding to the owner in the present, but what it is expected to yield the owner in the future. A lot adjoining a railway station on the plains may for some years past have yielded to its owner a rent of \$1,000 a year. It may be yielding at that rate now. But if it be known that on the 1st of January next the railway station is

to be moved away, and that the lot would then cease to yield any rent, its selling value would disappear. In spite of what it had yielded, in spite of what it was even now yielding, it would have no selling value at all beyond that of the rent it would yield till the 1st of January. And this is true in all cases. The capitalized or selling value of land is determined not by any advantage that its ownership has already yielded or is now yielding, but by the expectation of the advantage that it will yield in the future.

Confusion arises from thinking of the "unearned increment" as though it were synonymous with selling value. But the unearned increment of wealth that goes to land-owners is a portion of the continuous production of wealth, which we commonly estimate annually. It is, in short, an annual return, its capitalized or selling value being dependent on the expectation of future returns. Now, what the single tax proposes is in the *future* to take for public uses what would otherwise go to land-owners, though unearned by them. We propose to do this as soon as we can, and as fast as we may, by a tax which, even when imposed, can only operate in the future. And we propose to use the proceeds of this tax to supply revenue now yielded by taxes that bear on industry, repress enterprise, and take from individuals what is properly theirs.

What is therefore involved in the claim for compensation? It is not that what has been once given shall not be taken away. It is, that because individuals have in the past been allowed to take for themselves what belonged to the community, they must be allowed to do so in the future, and their successors after them. It is, that one generation having made a mistake in the levying of taxation, all future generations must continue this mistake. It is, that having been robbed all my life by taxes that extorted from me the fruits of my labor, I must submit to the continuance of this robbery for the rest of my days, and that my descendants for all time must submit. Could the men of the past morally bind the men of the present? Can the men of to-day, by their errors or their profligacy, bind the men that are to come? There have been times when men could legally sell themselves into slavery. Granted, if you please, that where such sale was legal it constituted a moral bond. Did that bond attach to the unborn descendants of the man who thus sold himself? Did it make immoral any effort of theirs to release themselves by the repeal of laws which made such slavery legal? This claim for compensation involves, theoretically, the perpetuation of the same

injustice in another form. It involves, practically, the claim that we must continue to act unjustly because we have acted unjustly. The doctrine of the divine right of kings was almost reasonable as compared with so preposterous a doctrine.

In speaking this morning, Professor Seligman said something like this: that, if there was in the present state of society a landless man, he was only landless because he was too poor to buy anything; that the reason that prevented him from buying land was the same reason that prevented him from buying anything else. This is true. But that it is true in the present state of society does not show that it is just. It is in accordance with justice that save by gift no one should have these other things—the things produced from land by labor—without buying them, since for all such things a price must be originally paid. They are in the first place bought from Nature, so to speak, by the exertion necessary to produce them. But it is *not* in accordance with justice that men should not be able to get land without buying it from others, since for the land no original price was paid. Land is the gratuitous gift of Nature to men,—the free bounty of the Creator to his children. Here is a man who, like all of us, has come into the world bringing nothing with him. Imagine him grown and in his full powers. He has as yet done no work and has no proceeds of his own labor with which to buy the proceeds of any one else's labor. But has he no right to go to work without paying some one else for permission? Has he no right to the natural element, indispensable of all work? When a man buys a hat, a house, when he buys grain or cheese, he is giving the produce of labor for the produce of labor. There is an exchange. But, when he is compelled to give to another the produce of his labor for something that existed before labor was, it is not exchange. It is a robbery!

The landless man! Nature knows no such thing as a landless man. She brings no man into being where she has not provided land. The landless man is as much a monstrosity as a waterless fish or an airless bird. We are land animals. What Nature gives us is our own powers and the land. The land is the reservoir from which we must all draw. It is the indispensable element to all exertion, the natural factor in all production. The equal right to live involves the equal right to land. And, in making rights to land equal, what are we doing? Taking from any one what properly belongs to him? Not at all. We are simply securing to each what is properly his. The only power we are

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taking from any individual is the power of making an unjust appropriation,—the power of taking the proceeds of labor without doing labor. What we single tax men are proposing is not confiscation : it is the stoppage of confiscation.

Supposing we could to-morrow appropriate all land values by means of the single tax and abolish all other taxes, what would be the result? Such an increase of prosperity, such an impetus to business, such a demand for labor and all the products of labor as we have never dreamed of. Every wheel of industry would spring into motion, and there would ensue to the community as a whole a general and enormous gain. Some men might lose relatively, but as members of the community they would share in the absolute gain. Now, as Professor James has well brought out, we do not prohibit invention or restrain industrial improvement because they may relatively injure individuals. Why then should we for this reason forego governmental improvement? There are to-day inventions talked of as possible that would make existing steamships all but worthless. Who would say that such inventions should be prohibited because of the loss to steamship owners? Why, then, should any one say that an improved method of collecting taxes, which would produce general beneficial results, should be prohibited because of the loss to land-owners?

Mr. ATKINSON.—The landless man has a right to access to land without pay, you say. You, therefore, let him occupy a piece of land without pay, in order that he may get his living out of it ; but you make it the condition of the occupancy that out of the proceeds of the work he puts on that land he shall surrender such part of the proceeds of the work as will meet all the taxes, while I, who do not choose to work land, but sit in a chair and work with my brain, pay none of them. You, therefore, put a condition on the landless man which is vastly more onerous than the condition of being obliged to buy a lot and having somebody else share the taxes with him.

Mr. GEORGE.—We do nothing of the kind. We would not tax any one for holding land, but only for holding valuable land ; that is, land to which economic rent attaches, because superior to land that others are using. Every man has an equal right to land ; but the equality of this right involves the limitation that he has no more right than any one else, consequently no right to any better land than any one else can get. He has a right to get and use, without payment, land to which no economic rent attaches. Such



land, under our system, he could get for nothing; for land speculation would be killed. And, in using it, he would have no taxes at all to pay, either on land, on improvements, on produce, or on anything else. But when his land became valuable,—that is, commanded a premium because better than land which others were using,—then he would have to pay a tax. In short, we do not propose to tax land. We propose to tax land values.

The longer you think of it, the more clearly you will see that the change we propose involves no real injury to any one; that even those who lose relatively would be more than compensated by their share in the general gain. And I would like those who are thinking of the single tax as springing on unsuspecting land-owners like a tiger from ambush to know, that much as we single tax men would like to have it go into force to-morrow morning, we realize the certainty that we cannot be gratified. We can only accomplish the change we seek by the slow process of educating men to demand it. In the very nature of things it can only come slowly and step by step. We do not delude ourselves on that point, and never have.

One of the speakers this morning spoke of the injustice of the single tax in taking away from a man who had just bought land the possibility of his getting any "unearned increment" from it. The suggestion is that of a man buying land at present prices, and then by the sudden advent of the single tax finding the value of his purchase utterly gone. But it is only as it arrived, step by step, at or near the point of perfection that the single tax could destroy the possibility of getting any "unearned increment." Then, since every step in the single tax must tend to somewhat reduce the selling value of land, where is the point short of the very last step, when selling values would have shaded down almost to nothing, where the purchaser of land could suddenly lose his whole investment? unless, indeed, he bought on a basis of wild-cat speculation, which the first instalment of the single tax would prick. But, if you can imagine any one so surprised as this supposititious purchaser, would he really deserve sympathy? The single tax can only come by slow advances, and each advance — ay, even the agitation for each advance — gives notice. Already this agitation is going on, and is beginning to assume practical shape. It will go on from one step to another. And, if any man chooses to shut his eyes to what is coming, does he not deserve to lose?

Another question is, Why should land-owners be taxed and cap-

ital escape? In an audience like this I need not waste time in exposing the errors of those who mix all sorts of things under the name of capital. Capital, in the true meaning of the term, consists of wealth; that is, of the products of exertion used in production. We would levy no tax on capital, because it is clearly unjust to take from any one the produce of his exertion. Whatever a man brings forth, whatever he adds to the common stock of wealth, belongs to him alone; and it is a wrong to take from him any part of it. If a man builds a house, he ought to have the whole house, not nine-tenths of it. If he cultivates a field, the whole produce should be his. If he puts up machinery or builds a factory, it is a violation of the right of property to demand, on the part of the State, that he shall share with others what his own exertion has produced. And these rights of the producer pass with his title. Therefore, it is unjust to tax capital.

In the next place, it is inexpedient. We want more capital. We want more wealth in all its forms. This country, as Mr. Atkinson has very well shown, is, after all, a very poor country. So with Great Britain. With all the wealth that is concentrated there, the great mass of the people are underclothed and underhoused, if not underfed. They do not get enough wealth to enable them to lead wholesome lives and to properly develop their powers. Nor would they get enough if wealth were equally divided. We want more wealth, and therefore it is inexpedient to tax wealth in any of its forms. Tax wealth, and you will have less wealth. But, again, you cannot tax the capitalist in taxing capital. It slips off the capitalist and rests on the consumer, falling with the heaviest weight on the poorest people.

Another question sometimes asked is, If you would take the unearned increment of land values, why not take other unearned increments? Well, what are they? I can think of nothing which can be fairly likened to that increased value which attaches to land by the progress of society except that which attaches to franchises. As the village grows into the city, the business of the street railway becomes more profitable. So with gas-works, water-works, etc. So with railways generally. But, if these increased profits are not ultimately resolvable into increased economic rent, they are of the same nature. Such franchises are special privileges, like the privilege of holding valuable land; and the profits due to the general growth ought, as we hold, to be taken for public use or diffused through the community by a reduced price of ser-

vices. I am inclined to think, as the majority of single tax men think, that the best way would be for the community to perform such services for itself, as by supplying its own gas and its own water and running its own street railways, and, if not operating the larger railways, at least maintaining the roadways.

I do not suppose there is any one here who would hold that the occasional (and even, so far as they may be concerned, accidental) profits that sometimes come to men by fluctuations in the price of products are in the nature of an unearned increment, or that, even if practicable, it would be wise for the community to try to take them; for that would be to discourage the forethought which plays a beneficent part in equalizing supply. But there are some things to which additional value seems to accrue with the increase of wealth and culture, or even by lapse of time. Thus there are paintings that rise greatly in value long after those who painted them are dead. But this is simply an increase in the reward of the labor of production, going to the owner of the picture or successor to the original right of the painter. And that it goes to him, and not to some other, is in itself the legitimate reward of the taste and sagacity evinced in buying the picture. So a coin, a vase, a book, may become more valuable simply because of their age. But the principle is the same. Such things are in their nature subject to exclusive ownership. And this ownership involves the right to any increase of value that may from any cause attach to them.

Again, there are certain businesses that yield larger profits with the growth of population. The most striking of these, perhaps, is the newspaper. As the village becomes a large city, the local newspaper, instead of making a few hundred dollars a year, may yield a revenue of hundreds of thousands. But the increased profit is conditioned on the ability to publish a paper that will meet the new demands. There is a certain element of monopoly in the newspaper press, due to news combinations and resting largely on the private control of telegraphs. But, in spite of this, there is nothing more striking in the growth of our cities than the way in which newspapers rise and fall, showing how, after all, their success depends on the ability of their conductors.

I know of no business to which anything like an unearned increment attaches. The growth of a town may make a hotel more valuable; but the increased value attaches to the land, just as the value of the publican's license in England goes ultimately to the

land-owner. And the general principle, I should say, is this:—that, wherever an increased advantage attaches to a thing properly subject to private ownership, it belongs to the owner; but, where it attaches to that which properly belongs to the community, it should be taken by the community.

The case of bonds, where their selling value rises by the fall of interest, has also been cited; and I am asked to refer to it. A bond is a contract between two parties, one of whom for a valid consideration agrees to pay certain sums periodically and a certain sum finally. Where the contract is between private parties, as in the case of a railway bond, is it not clear that it includes all the contingencies that may affect the selling value of the bond? And is this not also clear, when the contract is between a government and individuals? The loaner or buyer takes the chances for gain or loss, whether they arise from special or from general causes; and, so long as you propose to respect the contract, they must be left to him. And observe: When the selling value of a bond rises because of a general fall of interest, the relations between the parties are unchanged except that, could the contract be terminated, the one might borrow and the other lend at lower interest. The payments called for are unaffected. The rise in the selling value of the bond is merely a change of ratio between selling and annual value. It does not add to the revenue of the bond-holder; nor, if he sells to invest again, can he increase his revenue.

I know of no such thing as a perpetual bond or a perpetual debt at a fixed rate of interest. With the fall of interest, governments have reduced the interest they pay, either on expiration of the time for which bonds were issued or by more or less compulsory refunding processes. And I may say incidentally that I do not regard the fall of interest proper as a necessary consequence of social progress. So far from the effect of the single tax being, as some think, to reduce the rate of interest, my opinion is that it would increase it. If this be so, the effect upon bonds would be the reverse of that contemplated in the question. Their selling value would decrease instead of increase.

But to go to what may perhaps be the spirit of the question. While it is a matter that I do not care to raise now,—for, just as the land supports us all, so is the reform that would open land to labor the most fundamental of all reforms,—I may frankly avow my belief that there is no justification for public debts. As there never could have lived men who could validly dispose of land for

all time, so no generation can validly burden other generations with debt. In the same letter in which he declared it self-evident that land belongs in usufruct to the living and not to the dead, Thomas Jefferson stated this principle, and proposed that all public debts and statutes should be deemed void on the lapse of a period which he thought about the time that one generation passes away and another succeeds. The more this proposition was considered, he said, the more salutary it would seem. And so, in the light of to-day, I think it will. This power of incurring public debts, of bonding future generations, is the power that maintains monstrous armaments, and is rapidly putting the civilized world in pawn. In the interests of civilization it must be ended, and it will be ended.

Professor Seligman has said that the true principle is, not taxation according to benefits, but taxation according to ability,—meaning, I presume, ability to pay. To us it is as unjust and absurd to charge men with taxation in proportion to their ability to pay as it would be to charge them for postage-stamps in proportion to their ability to pay. If men get rich dishonestly, it is no remedy to tax them more. If they get rich honestly, it is a gross outrage. No one ought to be forced to pay more than another because he is more industrious or more talented, or has more foresight, or any other personal quality. All men ought to be put upon an equality of opportunity, letting whoso can work best and hardest take all the advantage that those qualities give. It is unjust to tax men according to their ability to pay. And it is inexpedient to tax qualities or the earnings of qualities that increase the general stock of wealth. Not merely this, but it is clearly impossible to tax men according to their ability to pay. All over the world it has been tried. Has it ever succeeded? In the United States to-day we are trying to tax men according to their ability to pay. This is the theory of many of our federal taxes and of nearly all our local taxes. What is the result? The rich man walks from under such taxes. The farmer pays on his tools; he pays on his little stock, on all he has. But the millionaire,—not only does he pay far less of the indirect taxes in proportion to his ability than fall on the sewing-girl and the day laborer, but even of the direct taxes he pays less than men of small means. And the attempt to tax men according to their ability has notoriously led to evasions, perjuries, bribes, corruption, and widespread demoralization.

No: we ought to tax men according to the special advantages they receive from the community, thus putting all men on an equal plane and giving free play to personal qualities. Here is the principle: We are all equally entitled to the use of land; and for the use of land in itself there should be no tax whatever. But where a value attaches to the land itself—that is to say, where land is so much better than the ordinary that it commands a premium—there a special privilege is accorded the holder. He receives from social growth and improvement a special advantage; and in the tax we propose we would simply take the value of that special advantage for the whole community, thus putting all upon the same plane.

That this is the true principle is shown by the fact that the tax on land values can be collected with the minimum of cost and the maximum of certainty; that it does not provoke the evasion, fraud, and corruption that are incident to other taxes. Land lies out-of-doors; it cannot be concealed or carried away. And its value can be ascertained with more certainty than any other value.

I said this afternoon that the land-owner as a land-owner was absolutely useless. Perhaps I had better go into that matter a little more fully. If any one thinks that the land-owner as land-owner is of any use, it is because he is confounding ownership with possession; and when people talk, as some gentlemen have talked here, of the advantages of the private ownership of land, they are thinking of the advantages of secure possession. Secure possession of land is necessary to the best use of land, but that is not ownership. The reason possession is needed is to give security that the improver shall reap the rewards of his exertion and outlay. But ownership is not necessary to secure improvement. In New York to-day you will find buildings erected on land owned by other parties, erected on leases, on the security of possession for a certain time. Go into Chicago, and you will find buildings erected in the same way; and there to-day you will find buildings erected on city land, not on long leases or a fixed rent, but with the contract that at short intervals a revaluation shall be made, and that the rent shall be increased as the land increases in value.

No man ploughs a field to get the rewards of its ownership: he ploughs to get the rewards of industry. No man builds to get the rewards of land-ownership: he builds to get the rewards of building. Perhaps that is a little too sweeping a statement. There are cases in which houses are built and improvements made to

get the reward of land-ownership. Go, for instance, to some of those "boom towns" in the West. About Los Angeles you may find great hotels standing empty. Nobody lives in them, and nobody ever has lived in them. They were erected as "bait for suckers" during the boom. In other places you may find railways covered up in mud and streets laid out where people are ploughing. That is the wasteful sort of improvement that is done to get the rewards of land-ownership. The industry that land-ownership stimulates! It is the industry of the "boomer" and "land-shark," the sort of industry expended in getting up the maps of Eden that dazzled Martin Chuzzlewit!

To leave the rewards of mere land-ownership to individuals is not merely *not* to encourage real improvement, it is powerfully to *discourage* it. The American farmer strives, wherever he can, to get more land than he can possibly use profitably, in the hope of gain by the increase in value, and thus compels the next comer to go further on. So around all our cities you may see vacant lots, held at high prices against those who would use them. We have a population so diffused in some parts as to deprive it of advantages and economies that civilization ought to give, so crowded in other parts that healthy physical or moral life is impossible. The mortgaged homestead, the filthy tenement house, the seeming want of work where men are suffering for want of the things that work produces; the perplexing paradoxes, the threatening problems, presented by what is called the labor question,—these are the fruits of private land-ownership, the results of leaving to individuals that fund which ought to go to supply the needs of the community.

Professor Seligman said that the advocates of the single tax do not understand the science of finance. Well, if some of the reasoning we have heard here be the result of understanding the science of finance, we single tax men are glad that we don't understand it. He has also said that the professors of political economy as a class are against us. Unfortunately, that is true. But is it astonishing? Given a great social wrong that affects the distribution of wealth, and it is in the nature of things that professors of political economy should either belong to or consciously or unconsciously be influenced by the very class who profit by the wrong, and who oppose, therefore, all means for its remedy.

Professor Seligman intimates that we who are not of the colleges ought to accept what professors of political economy tell us of that

science, as we accept what professors of the physical sciences tell us of their domain. The difference, which he ignores, is that researches into the physical laws of nature do not affect the "pocket nerve": political economy does. And just as Macaulay has said,—if there were any large pecuniary interests concerned in denying the law of gravitation, that law would not be acknowledged to this day! It certainly would not be in the universities and colleges.

There is a reason why the great majority of us must, in such matters as astronomy or chemistry, accept what the professors of such sciences tell us. We cannot all study such sciences: we have neither the leisure, the knowledge, nor the opportunities. But if we cannot all study political economy,—the science whose phenomena lie about us in our daily lives, and enter into our most important relations, and whose laws lie at the bottom of questions we are called on to settle with our votes,—then democratic republican government is doomed to failure; and, the quicker we surrender ourselves to the government of the rich and learned, the better.

Let me say a direct word to you professors of political economy, you men of light and leading, who are fighting the single tax with evasions and quibbles and hair-splitting. We single tax men propose something that we believe will make the life of the masses easier, that will end the strife between capital and labor, and solve the darkening social problems of our time. If our remedy will not do, what is your remedy? It will not do to propose little goody-goody palliatives, that hurt no one, help no one, and go nowhere. You must choose between the single tax, with its recognition of the rights of the individual, with its recognition of the province of government, with its recognition of the rights of property, on the one hand, and socialism on the other.

Gentlemen, don't quibble and split hairs about this matter. It is too solemn, too important. It involves the happiness, the health, the lives, the very souls, of human beings. It involves the progress of society, the fate of civilization. If you have had superior education, if you have had what to so many of us has been denied, the leisure for study, the opportunity to cultivate what is highest and best in your powers, the more is it incumbent on you to meet the question frankly and fairly. If you will not accept our remedy, what is your remedy? There must be some deep wrong underlying our organization to-day. If it is not the wrong we point to,



the wrong that disinherits men of their birthright, what is it? There must be some way of securing to the laborer the proper rewards of his toil, of opening to every man willing to work opportunity to work. If you will not take our plan, what is your plan? You see these recurring strikes, you see the destructive contests that they involve, you see larger combinations marshalling for a wider and bitterer war. You must see that no man or body of men can have the moral right to demand that other men shall employ them or shall pay them a certain rate of wages. But is it not also clear that there is a right belonging to every man, a right attested by his very presence in this world,—the right to employ his own labor? If you reject our simple plan for securing that, how do you propose to secure it?

Modern society cannot stand still. All over the civilized world social conditions are becoming intolerable. If you reject the single tax, look to it, from what you turn and toward what you are going. We propose to respect to the full the rights of property. We propose to assure to each man his own, be it much or little. We would remove all restraints on production, all penalties on honest acquisition. We care not how rich any man may become, so long as he does not appropriate what belongs to others. We ask no class legislation, no favors or doles for any set of men. We would do away with all special privileges, abolish all monopolies, and put all men on the same level with regard to natural opportunities and before the law. We would simplify government, do away with its interferences in private affairs, and strike at the root of political corruption.

What is proposed on the other side? More restrictions, more interferences, more extensions of government into the individual field, more organization of class against class, more bars to the liberty of the citizen. In turning from us, even though it be to milk-and-water socialism, you are turning to the road that leads to revolution and chaos, you are using your influence to intensify the fight in the dark that, as it goes on, must evolve the forces that destroy civilization.

## 10. REMARKS OF PROFESSOR SELIGMAN.

(FRIDAY EVENING, SEPTEMBER 5.)

After my paper of this morning I scarcely expected to take part in this general discussion, but the fact that Mr. George has done me the honor of addressing his principal remarks to some of my arguments makes it incumbent on me to reply. Before coming to the arguments proper, a few words are necessary as to Mr. George's undeserved slur at professors of "political economy." Mr. George practically said that the professors of this science are frauds and hypocrites. I thank him for this gentle insinuation, but I repel the charge as one unworthy of every honest disputant. To say that because a man does not agree with you he must be either a fool or a hypocrite is a most unwarranted and, let me add, rather egotistic assertion; while the charge in reference to professors of economics in particular is destitute of all foundation. This charge may possibly have contained a grain of truth in former days, when the acceptance of a college position, both here and abroad, was hedged about with manifold restrictions, religious as well as otherwise. But in the universities of to-day, which in this country are to a continually greater extent coming to be State universities and supported by the funds not of any class, but of the whole community, the professors are selected, not because of any preconceived opinions, but because of their ability to pursue the truth, the pure naked truth. The professor of to-day is responsible only to himself and to his own conscience; and it is a most gratuitous assumption to claim that, because he does not belong to a particular school, he must be a charlatan and a hypocrite.

[Here Mr. George was understood to say he did not mean that all professors of political economy, and least of all Professor Seligman, could be accused of hypocrisy. He spoke of a Professor Ogilvie in Scotland, who a hundred years ago secretly shared views which he did not publicly declare. He said that professors naturally belonged to the property-owning class, however, and were therefore opposed to all attempts at reform.]

I am very glad to hear this disclaimer, which, however, does not mend matters much. Mr. George assumes that the professors

naturally have a bias toward conservatism. Without any desire to become personal, may I ask whether it is quite fair to assume that such a bias is confined to any one class? Is it beyond the range of possibility that popular orators, of whom Mr. George is so eloquent a type, may also have their bias? I think not. But, without developing this idea further, let me say that it is grossly unjust to ascribe to professors of political economy a truckling or even an unconscious subservience to the powers that be. All history disproves this. Take Adam Smith, the founder of the science, who started the movement for free trade,—a movement which for many years encountered the fiercest opposition on the part of the powerful landed aristocracy, the dominant interest in England at that time. To come to the other end of English development, to whom do we find is due the great awakening of interest on the part of the so-called higher classes toward the laborer? Who has done more than all else to change the dominant sentiment and to inaugurate an era of practical reforms? A university lecturer, Arnold Toynbee. In Germany, it was again an assemblage of university professors who under the title of the "Union for Social Politics" planted themselves squarely in the path of the dominant capitalist class, and amid the fiercest opposition carried through a whole series of reforms in the interest of the laborers, which have, for good or for evil, marked the economic history of the last twenty years in Germany. In Italy, it is the university professors who have supported the projects of co-operation, of popular banks, of profit-sharing, of factory laws, and of land reform. And in the United States, to mention only one instance, almost the entire support which the labor-unions receive is at the hands of the college professors,—a course which has drawn upon them not a little opprobrium. Clearly, Mr. George has no right to assert that the professors of political economy are unmindful of the slums, or helplessly wedded to existing economic conditions. And, although I do not wish to deny for a moment the immense influence of Mr. George's eloquence in stirring the seething cauldron of social discontent, I would ask, By virtue of what prerogative does he arrogate to himself the position of sole spokesman of the down-trodden class? Listen to the following words in the last number of the *Nationalist*, a magazine which surely voices the sentiments of many thousands of workmen: "Once our wage-earners thought they had a competent leader in Henry George. We all know how splendidly they seconded him;

but they soon discovered that he did not really sympathize with them."

I quote this, not because it is my belief (for I doubt its truth), but because it is the belief of an ever growing mass of his former supporters. Let me tell Mr. George that the reason why college professors are not counted among his followers is not because they are afraid of consequences, but because they utterly repudiate the adequacy of his solution. Show us that your remedy is a true remedy; convince us that your methods are just and that your results will be efficacious; bring home to us, in short, the proof that you have really solved the social question,—and I can assure you that you will find no more devoted or enthusiastic adherents than the college professors. But do not offer us schemes which are repugnant to our moral sense and repellent to our logic. Do not hold forth as a panacea what all sound economists regard as woful error. Above all, do not assume that every one who cannot share your convictions is an enemy of progress and true civilization. I, for one, repudiate with all the vehemence I possess such an utterly baseless and puerile assumption. If the fight is to be won, it must be by arguments, and not by epithets.

After these preliminary remarks let us come to the bill of particulars advanced by Henry George. But, first, just one word as to a contention of Mr. Garrison this morning. Mr. Garrison said the land-owner is like the slave-owner. Was it right to compensate the slave-owner? It was the slave, and not the slave-owner, who ought to be compensated. Now, this is very pretty, this is very specious; but, unfortunately, this is not sound. In the case of slavery we have three parties, the slave, the slave-owner, and the State. In the other case, we only have two parties, the land-owner and the State. In the case of slavery it is the slave who is injured; but how, in the name of common sense, can the land be said to be injured? It was wrong to own the slave, because it was a violation of his rights as a moral being; but I have yet to learn that the land possesses any claims to moral consciousness. The cases are utterly dissimilar.

Let us take up now the first of the points raised by Mr. George, the important point of compensation. Here I must substantially hold to my remarks of this morning. If it be true indeed that land-ownership is robbery, then I confess compensation would be wrong. But what has to be proved is precisely that private property in land is robbery. And that, as we shall see in a moment,

has never been proved. Mr. George has utterly failed to convince me. He practically confessed that, if the total land values were taken away at once and unconditionally, this would be confiscation. He seeks to avoid the difficulty by proposing that only portions should be gradually and successively taken; and I am sorry to say that my friend Professor James, in his remarks of this evening, seemed to lend a partial support to this view. Now, I cannot possibly see any difference, in so far as the loss is concerned, whether a man's teeth are pulled out one by one or whether they are all taken together. If it is confiscation to take the total annual value, it is a *pro tanto* confiscation to take any part of this value. On the assumption that the same man owns the land all the time, it makes no difference whether his property is taken in ten equal instalments or in one huge lump. The nature of the act is not altered one whit. Clearly, partial confiscation is nevertheless confiscation.

But to come to the pith of the matter: Mr. George says that we are not in the habit of compensating for a tax. That is perfectly true on the assumption that the tax is an equal tax, as most taxes are at least intended to be. But if the State says to one man, You shall pay me a thousand dollars, and to another man in exactly the same position, You shall pay me ten dollars, then the robbery of the first cannot be cloaked by simply calling it a tax. If the State takes away from me my diamonds and leaves my neighbor in possession of his, then the confiscation is no less a confiscation because it is called a tax. If the State singles out a particular plot and takes it for the public, it compensates the owner because the burden falls exclusively on him. If the State singles out a particular class, and takes away only their property and not that of others in an equally good position, the claim for compensation cannot be brushed aside by simply calling it a tax. Names must not deceive us. It is equality and justice that must guide us.

Henry George says that he proposes to let bygones be bygones. Is this true? He says that the capitalized or selling value of land depends only on what it is expected it will yield in the future. This also is a baseless assertion. The future productiveness is only one of the elements. The present productiveness is another, and even the past productiveness is generally one of the most important tests of value. If you will say that future productiveness depends on an estimate based upon a comparison of past and present productiveness, then I can have no quarrel with the asser-

tion. But does Mr. George want to let by-gones be by-gones? He says that he wants to take only the future unearned increment; but he labors under a mistake. That was John Stuart Mill's plan, the only honest plan. If I invest \$10,000 in a plot of land and get a rent of \$600 (about the usual interest), I obtain no unearned increment. As soon as through the progress of society this rent increases to \$800, I get, if you will, an unearned *increment* of \$200. Now, this increase, this increment, this \$200, is what Mill proposed to take, although he never had the idea of a single tax. But as soon as you take the entire \$800 you are taking more than the future unearned increment. You are taking the entire value, and you are not letting by-gones be by-gones. Increment, Mr. George, means increase; and you are taking more than the future increase.

The question of confiscation cannot be settled in any such easy manner. Mr. George has spoken of property which has been rendered practically worthless through a new invention or discovery. Do we compensate the existing owners? asks he. No, of course not; but why? A new invention represents a practical gain to production. It is the supplanting of the old, the worn-out, by the new. It is only by this process that advancing civilization becomes possible. It is like the hand-loom weaver, whose interests were for the time being injured by machinery, but who, in the long run, was immensely benefited. But what analogy is there between this case and the confiscation of land? How is the land-owner to derive any special benefit from the change? It must first be proved that the abolition of private ownership will revolutionize production in the good sense,—an assertion the very contrary of which is rather true. And, secondly, even if we accept Mr. George's assumption that land confiscation will benefit the community, it has yet to be shown why, if the benefits are to be equal to all, the burden should fall on only the small class of land-owners. Clearly, the analogy between the undisputed benefits of a new invention and the extremely questionable results of land nationalization is a very far-fetched one.

No amount of mere assertion will prove that confiscation is not confiscation. Mr. George has told us that compensation is impracticable; but that is a mere statement, without any proof. The question still resolves itself into this. If I purchase to-day a plot of land for \$10,000, (which \$10,000 are the results of my labor and skill), while my neighbor purchases a house for \$10,000 (also the

result of his labor and skill), why, I ask, should my \$10,000 be taken away, and his \$10,000 be left intact. No amount of jugglery with words can disguise the force of this plain question, and nothing that Mr. George has ever said has answered it. He confuses the ownership of the land with the ownership of the capital paid for the land. I repeat what I said this morning, that the great majority of existing land values in the United States have been purchased for cash, for capital, for the product of labor. And, as long as the State has clothed this form of capital invested in land with the insignia of property, the land-owner, who has paid for his land, has an undeniable claim to compensation.

We come now to what I consider the most baseless contention of Mr. George. Land should not belong to any one, says he, because it is not the result of individual labor. The argument has two branches. First, I deny that any such sharp line of demarcation can be drawn between land and other things. Secondly, I repeat my assertion of this morning, that it is illogical to confine the unearned increment to land alone.

In the first place, if it be said that the value of land is wholly the work of the community, how can we logically deny that the value of any so-called product is partly the work of the community? Individual labor, I venture to say, has never by itself produced anything in civilized society. Let us take the workman, fashioning a chair. The wood he certainly has not produced. The tools that he uses are the result of the contribution of others. The house in which he works, the clothes he wears, the food he eats (all of which are necessary to the making of a chair in civilized society), are the result of the contributions of the community. His safety from robbery and pillage — nay, his very existence — is dependent on the ceaseless co-operation of the society about him. How can it be said, in the face of all this, that his own individual labor wholly creates anything? If it be answered that he pays for his tools, his clothing, his protection, etc., I say, So does the land-owner pay for the land he purchases. Nothing, I repeat, is wholly the result of unaided individual labor. No one has a right to say, This belongs completely and absolutely to me because I alone have produced it. In truth, this is the groundwork of socialism. The socialists have been far more logical than Henry George. They deny the existence of any difference, save that in degree, between property in land and property in other capital. That is the reason why the English enthusiasts are leaving land

nationalization and enrolling themselves under the banners of socialism. That is the reason why, in this country, the growth of Bellamy's Nationalism marks the gradual decadence of the single tax movement. That is the reason why any one who has to do with laboring men throughout the country is now meeting in every centre hundreds who were formerly Georgeites, but who now have become converted to the newer forms of socialism. I agree neither with Mr. George nor with the socialists. I think the premises of each are wrong. But, as regards logic, the socialists have clearly won a victory over Henry George.

Now, secondly, why limit unearned increment to land? Mr. George says that the only other case he can think of is that of franchises, and that these also ought to be taken for the community. Now, this means one of two things, either the community must tax them or it must acquire them by purchase or confiscation. Now, if the State taxes them, we no longer have the single tax on land values, but also an additional tax on something else. What, then, becomes of the great crusade for the single tax? But if the State acquires them,—that is to say, nationalizes all occupations which enjoy a special franchise,—how is Mr. George to be distinguished from those socialists whom he professes so to abhor? These are the horns of the dilemma.

But Mr. George's contention that there are no such cases of unearned increment is absolutely incorrect. Let us first analyze a few of the cases which he attempts to explain away. Mr. George says, Here is an old picture which greatly increases in value; and he maintains that this is due to the man who had the sagacity and the taste and the forethought to buy this picture. Now, I appeal to the common sense of this audience. Twenty years ago I bought a Diaz, a Corot, or Millet for \$500, which now is worth \$20,000, solely because of the scarcity of such pictures and the increased demand of those that have a use for them. Twenty years ago I bought for \$500 a plot of land in a Western town, which now has appreciated to the same sum (\$20,000); and, mind you, for the very same reason,—namely, the increased demand of those that can use the land. Now, if I am entitled to the increased value of the picture because of my sagacity and forethought, why, in the name of common sense, am I not entitled to the increased value of the land, due equally to my sagacity and forethought? I have done no more to enhance the value of the picture than that of the land. The arguments are precisely identical.



Then Mr. George says, Value may attach to other things by mere passage of time. An old Roman coin is worth a great deal because I have taken care of it for so long. But is not the increased value of land due precisely to the same passage of time? If I buy a lot on Wall Street, I and my descendants will, you may be sure, take very good care of it, and we shall bestow upon its protection from intruders and robbers a great deal more care than the owner of the Roman coin. The argument is precisely the same. But these are of course all trifles, although they are good samples of Mr. George's logic. Let us take far more important examples.

The value of railway securities in the United States to-day is over \$9,000,000,000, and the securities of other corporations amount to many millions more. It is safe to say that the value of the bare land owned by individuals is far less than these corporate securities, which form a large part of the intangible personal property of individuals. Now, has anything that Mr. George advances tended to disprove the existence of unearned increments in these? I invest \$100,000 in the railway bonds of a young corporation; I get 6 per cent. interest, and pay perhaps \$50 on the par value for them. In the course of twenty years, during which time the community has grown and given the railroad more traffic, this bond is worth par or even \$150, and my investment represents now \$200,000 or even \$300,000. Have I earned this increment? Have I individually done anything to produce this added value? It is as much the work of a community as the increase in the value of any land. Why take away the unearned increment of the land-holder and leave intact the equally unearned increment of the bondholder? Do you not all see that this is the rankest injustice?

But I am willing to go much further. Mr. George cries out in pathetic terms about the robbery of the landless, about "progress and poverty." Now, I wish to ask any one whose mind is not befogged by the mist of erroneous enthusiasm: Who are the rich men of this country to-day? How has by far the greater part of huge wealth been acquired? Look to our millionaires and inquire. I shall tell you. The main cause is the existence of what may be called the fortuitous conjuncture of events, the chance happening due to no one's labor, but to the turn in the wheel of fortune,—call it speculation, call it luck, call it by any name you will. How have most of the fortunes in Wall Street been made? Who is responsible for the lucky increase of his investments?

Who can say that the successful manager of the ring, the corner, the pool and the trust, has worked out his dollars through his own industry? Land speculation is only a part, and a very small part, of the sum total; and if you say that the fortunate speculator deserves his fortune because of his sagacity and foresight, why deny these attributes to the land-owner?

I do not mean to say that wealth has not been acquired by thrift and industry; but I do assert that most of the very large fortunes that strike the common observer are due to this incalculable turn in the wheel of fortune, and that the unearned increment of land values forms only a very small share of these total unearned gains. And whatever be the inference as to the policy of the State in dealing with these gains,—an inference which it is not my province to discuss here,—it is indisputably illogical and inequitable for the State to lay its hands on the land values alone. No, Mr. George, if you confiscate one kind, you must confiscate all kinds; you must meet the question of compensation with more successful arguments than have as yet been adduced.

We now come to another point. I agree with much that Mr. George has said as to present methods of taxation. But whatever is true in Mr. George's assertion has been said many times before. I object to the tax on movable capital, but for very different reasons from Mr. George. Mr. George falls into the vulgar error of supposing that a tax on capital diminishes capital, and thus production. Now, if Mr. George had studied the science of finance a little more, he would have learned that there is a great difference between a nominal capital tax and a real capital tax. A real capital tax is meant to be paid out of the capital itself, but a nominal capital tax is meant to be paid and is paid out of the income of the capital. Now, all the capital taxes in this country to-day are nominal capital taxes. They are meant to be paid and are paid out of the profits of the capital. They do not lessen in any degree the previously existing stock of capital. The real capital taxes which actually trench upon a nation's capital, as apart from its revenue, have been very exceptional in the history of the world, and known only in times of great national crises. But the distinction between real and nominal taxes is familiar to every tyro in the science of finance. I do not therefore object to a capital tax for any such crude reason as that of Mr. George. I object to a tax on personal property in general: first, because the owners of personal property always manage to escape the burden, and roll it

off upon the possessors of real property ; and, secondly, because property is no true measure of ability to pay. Mr. George indeed has said that he repudiates the doctrine of ability as the basis of taxation ; but he has simply made the assertion, he has given absolutely no proof. Ability to pay is the ideal basis of taxation. It lies instinctively and unconsciously at the bottom of all our endeavors at reform. When we say that indirect taxes are, on the whole, unfair to the laborers, we mean that they are less able to pay the same tax than the wealthier portion of the community. Their ability is less. When we say that a corporation with large receipts should pay more than one with small receipts, we do so because we instinctively feel that their ability to pay is greater. Look at it from whatever standpoint you will, ability to pay is the goal toward which all civilization is aiming, and it is false to say that this goal is impossible. Take Switzerland with its progressive income taxes, take Australia with its graduated succession duties, take other countries with their manifold systems, and you will find a greater or less approximation to this ideal. But do not take our American property tax (which is not based on ability to bear), and say that, because it is a failure, the whole principle of ability must be abandoned. As I said this morning, the principle of privileges or benefits is the principle away from which, not toward which, all science and progress have worked. It is founded on a false political philosophy, it can result only in a false political economy. Mr. George cannot, by a mere unproved assertion, reverse the progress of history and the advance of science. All nations originally started out with a tax on land ; and they have worked away from that condition, as they have worked away from the primitive system of the village community. Both are suited only to the earliest stages of society.

Mr. George to-night made some very eloquent remarks about the oppressed workmen in the slums. It would be easy to draw a vivid picture of the oppressed farmer under the single tax *régime*. Our present general property tax, I confess, results in an outrageous overburdening of the farmer. But how would it be under the new principle ? His burden would be intensified, not lessened. I confess that, in so far as the State taxes are concerned, it would be the owners of the city lots who would bear the chief burden, because the site value (which, as I understand it, the single tax will primarily affect) is far greater in the crowded cities than in the rural districts. But how about the local taxes, compared to

which the State taxes are very insignificant? To-day it is a well-known fact that the personal property tax, which is a failure in the large cities, is more and more successful as the towns become smaller. If you will look at the assessment books of any prosperous community, you will find many inhabitants of the small village assessed at good figures for their dwelling-houses, for bank stock, or for their intangible personalty. Were we to have only the single tax, the farmer would have to pay not only the local tax that he pays now, but also the entire share of those who now contribute a considerable part of the taxes out of their personal property. No wonder the farmers perceive that this will ruin them. The immunity from indirect taxes would be dearly purchased at such a price; for it would result in the total annihilation of the one class above all others upon which true American civilization rests,—the independent small farmer. As long as the United States remains pre-eminently an agricultural community, as long as the farmers' alliances are of any political importance, the single tax will never become a practical question.

And how is the social millennium to be brought about even for the city workman? The trouble with the average inhabitant of the tenement houses in our large cities is that they have to pay immense rents and get low wages. But how is the simple fact of their paying rent to a State official instead of to a private individual going to decrease their rent and increase their wages? Mr. George talks a great deal about private land held for speculative purposes; but I venture to say that south of 42d Street in the city of New York—the home of the major part of the tenement house population—not one-fiftieth of one per cent. of the building lots lie idle. How is the single tax going to relieve the inhabitants of the slums? They will not go to the suburbs where there is plenty of land for the same reasons that they do not go there now. Rent in the suburbs or up-town districts is at the present moment vastly less than in the crowded slums, and yet the slums are crowded. The average workman prefers to be near his work, prefers to enjoy the social opportunities of contact with his fellow-workman, evenings as well as day-times. All careful students of the problem of housing the poor have come to the conclusion that it is in the crowded centres where there is no unoccupied land, and not in the suburbs where rents are low, that the problem must be solved. Now, when we look at the thing from a practical standpoint, how is the tenement-house workman to derive

any benefit from the single tax? His rent will be just exactly as high as at present; for his rent is a veritable rack-rent, fixed by the stress of competition. The competition for rooms will be not a whit less when the State becomes the landlord. And how are his wages to be increased? Wages can be increased in only one of three ways,—through the increase of capital, through the increased efficiency of the laborer, or through the increased standard of living, which will enable the workman to compel higher wages. But the single tax can accomplish none of these three things. To take away economic rent and to turn it over to the State will not increase capital one whit, will not decrease the monthly rent of the tenement-house population by one iota. Into what does all this fair dream of economic felicity resolve itself? Into mere mist, into mere nothingness. The tenement-house population, no more than the American farmer, will derive no advantage from the single tax.

Mr. George, you ask us, if the single tax is not the remedy, what is the remedy? Ay, that is the question. The science of political economy I consider the deepest, the most difficult, the most complex of all sciences. It is still in its infancy. The laws of social well-being do exist; but we are only finite mortals, and have only begun to acquire the first inkling of these laws. No one is more desirous of attaining social peace, no one has to-day a deeper sympathy with the unhappy lot of the toilers, no one is more anxious to seek out the true harmony of social interests, than the student of political economy. If we thought that you had solved the problem, we would enthrone you high on our council seats, we would reverently bend the knee and acknowledge in you a master, a prophet. But when you come to us with a tale that is as old as the hills, when you set forth in your writings doctrines that have been long exploded, when you in the innocence of your enthusiasm seek to impose upon us a remedy which appears to us as unjust as it is one-sided, as illogical as it is inequitable, we have a right to protest. All careful students beware of the man with the *ism*. This is not the first time that the enthusiast has supposed that he has discovered a world-saving panacea. The remedy lies not in any such lop-sided idea: the remedy is the slow and gradual evolution in a hundred ways of the moral conscience of mankind. You cannot solve the labor problem by any rule of thumb. Every student of history, every student of political philosophy, every student of economics, will tell you that the progress of the race has been a slow and painful one; that the world has advanced bit by bit; and that each successive step, to be enduring, must be founded on justice. To suppose for a moment that the social millennium will be ushered in by any one sudden change—even were the change not so lamentably inadequate as the one proposed—is an evidence, not of wisdom, but of short-sightedness.

## II. REMARKS OF JAMES R. CARRET, OF BOSTON.

We have met here to discuss a question of Social Science, not as a mere matter for discussion, but in order that we may better understand a proposed measure for social improvement. This Association exists to seek out and forward such means as will improve social conditions. That society needs improvement is admitted by the very existence of this Association. A party has arisen which finds the source of the evils from which society suffers in its treatment of the land which is essential to the life of all. Society treats land as private property. It is therefore the system of private land-ownership that is on trial here to-day. Like all social institutions, it must justify its existence. As "the Sabbath was made for man, not man for the Sabbath," so with the earth and social institutions. The arrangements of human society in relation to land exist not to enable land to be held, but to be used. If they interfere with or prevent its use, they stand condemned. They have usurped their place, and have become the masters instead of the servants of man. However useful they may have been originally, that is no warrant for their further existence. They have reached the stage and should receive the treatment of a worn-out garment.

I am not an economist or a financier; but, having obtained some knowledge of matters relating to land by an experience of nineteen years as a conveyancer, in examining titles to real estate in Boston and its vicinity, I have been asked to use some definite results of those investigations which bear on the single tax as a contribution to this discussion. Of that period, a little more than six years were passed in the service of the city of Boston, as an assistant city solicitor in its law department. As such, I was charged with the duty of examining titles, to determine that those persons were properly entitled to payment with whom settlements of claims had been made (and who were named as payees in orders for payment of money) for damages for the laying out, widening, or other improvement of streets, for the changing of grade of streets, or for lands taken or purchased for school-house or engine-house lots, or for other public uses.

From the point of view of that experience, I am called upon to criticise the present method of treating the holding of land, the system of private land-ownership, as Mr. George has termed it. That term is practically accurate, but legally inaccurate; for, as a matter of legal principle, wherever the common law of England prevails, no man is an absolute owner of land: he can only have an "estate" in it. The ultimate owner of all the land in the jurisdiction is the people in its collective capacity, the State. It is this principle that single-tax men would make a living reality. In this we are simply following out the line of previous progress. The principles of English freedom, for which our forefathers of the period of the Revolution contended, necessarily existed in the constitution which governed them as a part of the English people; but such freedom itself was practically denied to them. By the Declaration of Independence they defined the scope of liberty with greater clearness; by the war of the Revolution they won the right to apply those principles free from outside interference. The immediate and apparent evils from which they suffered they remedied; in those respects they secured freedom and transmitted it to their descendants. But they failed so to arrange institutions as to secure freedom in all respects. We see their failure, and would remedy it; we seek to apply in their completeness the principles of liberty which they defined and transmitted to us. We would make the American people free in fact as well as in name.

*First*, then, it appears to me that the system of private land-ownership is opposed to the public welfare, because it interferes with and delays or prevents public improvements. During the period of my service as assistant city solicitor of the city of Boston more than five million dollars were paid out by the city, on my certificate, on account of the taking or purchase of land for various public purposes. This amount was either obtained by present taxation or became part of the city debt to be paid by future taxation. It was offset in part by sums obtained by the assessment of betterments. But it is clear that the necessity of paying large sums of money simply to acquire the land needed for any public improvement is an obstacle to such improvement, a difficulty to be removed, just as a ledge of rock on a house-lot, which must be removed by blasting, is an obstacle to the building of a house. I need not weary you with the recital of instances. I doubt not that the reluctance of public bodies to take action on the laying out of streets or other such improvements, where it will be necessary

to pay damages for the land, is something that can be found in every locality with which each of you is familiar. I believe that each of you in his own locality has known of instances where some public improvement has been delayed or defeated by the greed of some land-owner who demanded an exorbitant price for his land. But I wish to mention one conspicuous instance of the fact that private ownership stands in the way of the public interest. All of you who live in Boston or its vicinity are doubtless familiar with the Harvard Bridge lately built by the cities of Boston and Cambridge from Beacon Street opposite West Chester Park across Charles River to the Cambridge side. The approach on the Boston side has been completed; but though the bridge itself was completed at least a year ago, though the avenue for travel between Cambridge and the Back Bay and southerly part of Boston, which it will afford, has long been a public need, it has not yet been opened for travel. And why not? Because the approach on the Cambridge side has not yet been completed. And, again, why not? Because on the Cambridge side a few hundred feet from the end of the bridge the avenue to it crosses the Grand Junction branch of the Boston & Albany Railroad, and there is a dispute between the two cities whether such crossing shall be at grade or by an overhead bridge.

But, to go back farther, the act of the legislature which authorized the construction of the bridge and approaches apparently permits a grade crossing, and it is said that this was so fixed by the influence of the owners of the lands abutting upon the avenue on the Cambridge side, who wished to avoid the heavy expense of raising the grade of their lands, which would be rendered necessary by the high grade of an avenue crossing the railroad by an overhead bridge. And this method of a grade crossing is now favored by the city government of Cambridge, which is reluctant to incur the expense of building the avenue to such high grade. The charge that the influence of private interests was so used has been made in the newspapers; whether this is true or not, I do not know of my own knowledge; but, under the present system, such owners might fairly and openly oppose the overhead plan as being detrimental to their interests and they would be listened to. But it is also clear that the public interest requires that no crossing of a railroad at grade should be allowed in a large city, and that any legislation which permits such crossing is a sacrifice of the interests of the public. That private interests are all-power-



ful in affecting legislation ; that, in conflicts between them and the public interest, the latter almost invariably goes to the wall,— are characteristics of the present social system well known to every observer. But under the single tax it is not likely that there would have been any such controversy in this case. Under the present system the incentive for the owners of such lands (vacant marsh lands and flats) is to avoid making improvements. Under the single tax the direct opposite would be the case ; and, further, the raising of the grade of such lands to make them available for use would be a private improvement, not subject to taxation, and such return as the owner would get for it would be his without diminution.

Further, as to public improvements generally under the single tax. Under that system, when public officers find it necessary or expedient to acquire land for some public use, as land would have little or no selling value, they will not be obliged to raise large sums of money simply to acquire the land. But the question for them to consider will be, Is the proposed object or improvement of sufficient need or importance to justify us in foregoing that part of the public revenue derived from the lands required? With the added consideration, however, that the return, arising from the increased value given to other lands by the improvement, will go wholly into the public treasury, or, in other words, the public would get the whole betterment.

*Second*, the present system, under which land has a selling value, —that is, when no one can obtain land for use without paying a price, or, in other words, making a payment not as an equivalent for service rendered, but for the transfer of a monopoly privilege,— stands in the way of private improvements also. I will give one instance of a familiar character. A Boston business man of my acquaintance wished to build a factory to do some manufacturing in connection with his business. He found in a suburban city land suitable for his purpose, vacant marsh land adjoining a railroad. The land was assessed at \$150 per acre ; the owner asked him 10 cents per square foot, over \$4,300 per acre. He considered that to be much more than it was worth,— it was certainly more than he could afford to pay,—and the result was that he abandoned the enterprise. Doubtless many similar cases are known to all of you, and I leave it to your own recollection and experience to supply them.

*Third*, but my special experience as a conveyancer has made me

acquainted with another class of cases where the present system stands in the way of the best use of land. The complexity of our civilization is reflected in the methods of holding and disposing of lands. In the earlier and more simple days of American life, and to this day also where simple conditions of life prevail, it was and is the custom for a man to have in a piece of land an absolute estate in fee-simple. But in Boston and its vicinity there has been for years an increasing tendency to sell land subject to certain limitations upon its use, by way of conditions, restrictions, stipulations, or agreements; and I presume that the same tendency exists in other large cities. The effect of this is that, as to a given piece of land so conveyed, A, who is called the owner, has an estate in fee-simple and the apparently exclusive right of use, but is obliged to conform his use to certain limitations. These were imposed by M, a former owner, either for the benefit of lands that he retained, expecting afterward to sell, or for the benefit of other lands already sold by him, in the sale of which he agreed to impose limitations when subsequently selling the lands then retained. In the changes which take place in our rapidly growing cities it frequently happens that the uses to which a piece of land is limited become unsuitable; it is desired to use it for other purposes, and it becomes necessary to obtain a complete and absolute title. For that is required not only conveyance from A or those holding under him, but also releases from M or his heirs or devisees, and from all the persons for whose benefit he imposed the limitations or those at the time holding under them. Every conveyancer of experience, certainly in Boston and vicinity, knows of such cases. I myself recall one where it was attempted to obtain releases of a limitation imposed more than eighty years ago. It was necessary first to spend many weeks in searching records in various Probate Offices, Registries of Deeds, and public offices for the registration of births, marriages, and deaths, and in following up other sources of information, in order to ascertain who were the persons to be asked to release. These were scattered all over the United States; most of them knew nothing about the matter, and months were consumed in correspondence and explanation before bringing about any result.

Another difficulty which often arises in cases where lands have been so conveyed subject to limitations is the determination of what are the other lands for the benefit of which the limitations were imposed. I recall a case where it was proposed to build a

church on a certain corner lot. The lot was subject to a restriction which required the building to be set back 20 feet from the line of the cross street. To comply with this made the lot too small for the proposed church, and it was desired to obtain releases. The question arose whether the persons entitled to enforce the restriction were the owners of all the lots shown on the same plan with the corner lot, which gave lots fronting on several streets, or only the owners of lots fronting on the same cross street as the corner lot. It was impossible to decide the question with certainty upon the cases in the reports, and a conclusive answer could have been obtained only by litigation. The project of building a church there was therefore abandoned.

The opportunities for "striking," as the slang phrase is, which are offered by a system under which one man apparently is the owner and has the right of use, but where he cannot use the land in certain ways without obtaining releases or consent from others, are obvious enough. Instances of that character are known to every conveyancer, where the reason for the imposition of the limitation in the first place has entirely ceased to exist, where the limitation is simply a hindrance to the best use of the land, and is of no value whatever to the descendants or successors of the persons in whose favor it was imposed; but, when a release is asked for, this vague interest is used as a basis for an exorbitant exaction. The obligation of professional secrecy prevents me from giving specific instances which have come to my knowledge; but that the unrestricted power of individuals to impose such limitations upon the use of land is an evil, and is against "public policy," as the legal phrase is, has practically been decided by the legislature of Massachusetts. For, several years since, it passed an act providing that in any deed of real estate containing such limitations, if no period is fixed for which the limitations are to continue, the deed shall be construed as imposing them only for the period of thirty years. This of course does not touch perpetual limitations in prior deeds, and does not prevent perpetual limitations from being imposed, if so now expressly framed. But the practical result has been that usually a period is expressly named, and, as far as my observation goes, seldom more than thirty years, and frequently a shorter time. This legislation is a recognition of the principle that each generation of men ought to be left free to use the earth as they think best, or, as Jefferson briefly expressed it, "The earth belongs in usufruct to the living, and not to the

dead," and is an encouraging sign of the growth of a truer perception of the relations of man to the earth.

It may be objected that, if the form of private land-ownership be left, as is proposed by the promoters of the single tax, the particular form of mischief arising from it on which I have just dwelt will still be possible. Apparently, that is true; but, in fact, I think that a remedy will be found, which even now can be applied, to some extent, in the taxing power. But, to obtain this remedy, better legislation is needed. And here again the advantage of the single tax system can be seen. For among not the least of the benefits to society from the single tax which I anticipate will be that the time of legislative bodies will be spent in looking after the public interest instead of private interests. Any one has only to take up the published volume of acts and resolves passed at any session of any State legislature or of Congress to determine for himself which now has the preponderance of attention. In the day of the single tax, when the fashion of meddling with the private affairs and business of the people is done away with, when individuals cannot obtain franchises which give them the monopoly power of acquiring the product of other people's labor, the legislature will take time to see if improvements cannot be made in the laws which regulate the holding and transmission of land. They will find that ballot reform is not the only reform to which Australia can point us the way. They will find in operation in the colonies of Australia and in other parts of the British Empire the Torrens system of registration of title, first established in South Australia in 1858, under the government of Sir Robert Torrens. They will find that assessors, freed from the necessity of nosing into people's personal affairs and able to devote their whole time to the determination of land values, can determine not only those, but under that system can determine in a reasonable time, with proper professional assistance from surveyors and lawyers, the exact position, area, and title of every piece of land in every city and town in the State. With such a method of dealing with land, if any man has any interest, right, or control by reason of any limitation in land owned by another, the assessors can value it, and he will be invited to pay the annual value of the privilege into the public treasury. As long as that interest is essential to the enjoyment of his own estate, he will doubtless pay for it with cheerfulness; but as soon as it ceases to have any value, unless human nature should become very different from

what it now is, he will hasten to release and get rid of it, as the easiest way to avoid taxation on account of it.

*Fourth*, an important and practical question to which I wish to call your attention is how the single tax will affect users of land as tax-payers. Of the two forms of taxation to which we are subjected, that for State and local purposes is direct, that to raise money for the use of the national government is indirect. I have been especially concerned with the former, because, in the examination of titles, it is always necessary to ascertain to whom the parcel of land has been assessed for purposes of taxation, in order to determine if all taxes and assessments affecting it have been paid, as such are a lien upon the land. In Massachusetts, under a statute first passed in 1861, land and buildings are valued separately for purposes of taxation; and this method of assessment makes it easy to compare the value of lands used by different classes, and to see the proportion which the value of the land bears to the value of the buildings placed upon it. From the facts disclosed by this method of assessment, the rule can be deduced, which one would naturally expect to find; namely, that people use land in proportion to their means,—that is, that rich and well-to-do people use valuable land, and those who are poor and of moderate means use cheap land, and that where the latter use valuable land, the rule still holds good, in effect, because in such cases many are crowded together on one spot, giving each one the use of but a small portion.

Taking now some actual cases of valuation of estates, I present the following. A friend in Boston who lives in a suburban town has informed me that, as trustee under a will, he has invested somewhat over ten thousand dollars in small mortgages of real estate, given by mechanics and laboring men on their homesteads, the value of their lots of land ranging from \$100 to \$200 and averaging \$150; and that he lends on their estates an amount equal to the cost of the house above the ground, excluding the cost of digging the cellar and putting in the foundation. His loans run from \$800 to \$1,200. I am not able to give the exact figures of assessment in these cases, for the town list of assessments, though in course of publication, has not yet been published; but, assuming that the assessors would follow the common practice of assessing estates a little under the cost, it seems to me that a fair estimate of the total valuation of these estates would be a range of values from \$1,000 to \$1,400. The rate of taxation in the town in 1889

was \$15 per \$1,000. According to that estimate, then, the owners of these estates paid in 1889 from \$15 to \$21 for State, County, and town taxes. Under a single tax on the value of the land alone, taking the rate at five per cent., an estimate which I will explain below, they would have paid from \$5 to \$10, averaging \$7.50.

I take the following from the assessors' report of polls, valuation, and taxes of the town of Southborough in Massachusetts, May 1, 1888, omitting the names of the persons, indicating them by letter; a poll-tax of \$2 being apparently added by the assessors to the tax on real and personal estate.

Owner and Estate assessed.		Tax	
		Under Present System	Under the Single Tax
A.	Horse and carriage	\$100	
	House \$1,000; Barn \$300	1300	
	House-est. 1/2 acre	200	\$20.00
	Same house \$1,000; Barn \$300	1300	\$20.00
	House-est. 1/2 acre	200	20.00
B.	House	500	
	House-est. 1/2 acre	200	20.00
C.	Machinery \$500; Horse \$75	475	
	House \$1,000; Barn \$300	1300	
	House-est. 1/2 acre	200	\$20.00
D.	House \$1,000; Horse \$75	975	
	House-est. 1/2 acre	200	20.00
E.	House	500	
	House-est. 1/2 acre	200	20.00
F.	House	500	
	House-est. 1/2 acre	200	20.00
G.	House \$1,000; Barn \$300	1300	
	House-est. 1/2 acre	200	20.00
H.	House	500	
	House-est. 1/2 acre	200	20.00
I.	House	500	
	House-est. 1/2 acre	200	20.00

These polls are of various descriptions, showing that we have found a method of assessing property, including land and buildings, and making.

I now give the assessment of various estates at Southborough in the immediate vicinity of the town hall, of the town of Boston. I know nothing of the value of the various estates of land and assessed in respect to personal property, as the law now of comparison is no standard.

Area Square Feet.	Value of Land.	Value of Buildings.	Total Assessed Value.	TAX	
				Under Present System.	Under the Single Tax.
4,000	\$500.00	\$2,200.00	\$2,700.00	\$37.80	\$25.00
5,000	600.00	2,500.00	3,100.00	43.40	30.00
4,000	500.00	2,700.00	3,200.00	44.80	25.00
5,589	1,100.00	4,500.00	5,600.00	78.40	55.00
3,195	600.00	5,000.00	5,600.00	74.48	30.00
3,437	900.00	4,000.00	4,900.00	65.17	45.00
4,312.5	1,700.00	4,000.00	5,700.00	51.30	85.00
5,000	1,200.00	3,800.00	5,000.00	66.50	60.00
5,010	2,000.00	5,000.00	7,000.00	93.10	100.00
4,915	2,500.00	4,500.00	7,000.00	93.10	125.00
1,440	2,900.00	4,500.00	7,400.00	98.42	145.00
1,670	2,500.00	5,000.00	7,500.00	99.75	125.00
1,620	2,400.00	5,000.00	7,400.00	98.42	120.00
2,097	3,100.00	7,000.00	10,100.00	134.33	155.00
1,980	3,000.00	6,000.00	9,000.00	119.70	150.00
2,099	6,200.00	5,400.00	11,600.00	154.28	310.00
1,700	4,700.00	7,600.00	12,300.00	163.59	235.00
2,697	6,500.00	6,500.00	13,000.00	172.90	325.00
1,494	9,000.00	11,500.00	20,500.00	272.65	450.00
2,538	8,200.00	13,300.00	21,500.00	285.95	410.00
2,635	20,000.00	26,000.00	46,000.00	611.80	1,000.00
239,561	40,700.00	15,300.00	56,000.00	744.80	2,035.00
8,715	96,000.00	114,000.00	210,000.00	2,793.00	4,800.00
10,956	99,000.00	125,000.00	224,000.00	2,979.20	4,950.00

All the estates given in the last table have single dwelling-houses on them; one or two of those of medium value are, I believe, occupied as boarding-houses; and possibly one or two of those of lower value are occupied by two families. A study of these two tables, and of the homesteads in a suburban town first mentioned, shows great variety in the proportion of value of land to the value of buildings on it. In the case of the little homesteads of the poor we find proportions 1 to 10 $\frac{1}{2}$ , 1 to 8, 1 to 7, 1 to 6 $\frac{1}{2}$ , 1 to 6, 1 to 5 $\frac{1}{2}$ , 1 to 5. With the increase in the scale of well-being there is a diminution of proportion, 1 to 4, 1 to 3 $\frac{1}{2}$ , 1 to 2 $\frac{1}{2}$ , 1 to 2, 1 to 1 $\frac{3}{4}$ , 1 to 1 $\frac{1}{2}$ , 1 to 1 $\frac{1}{4}$ , 1 to 1 $\frac{1}{2}$ , and in two cases given the value of the land exceeds the value of the buildings, one being about as 1 $\frac{1}{4}$  to 1, and the other, a piece of suburban property, about as 2 $\frac{3}{4}$  to 1.

It appears, then, that the rule that it costs the poor more in proportion to their means to supply their needs than it does the well-to-do applies also to their furnishing themselves with the shelter of a house. The truth of this becomes more clear when the fact is considered that in many cases the house of a poor man represents all his savings; and in many others, where he has borrowed the

money to build it and has given a mortgage of it as security, it represents the necessity of making future savings. To tax a man in respect of the house that he has mortgaged is to tax him upon his debt and to diminish his ability to save his earnings and pay it. It is a mere legal distinction to class a building annexed to land as real estate. Like the materials of which it is composed, it is a product of labor; and to tax men in respect of the products of labor is to discourage industry and thrift.

Since it is clear that the proportion to their means of the value of the houses that men occupy is not the same for all classes, it follows that to tax men in respect of their houses is to violate the canon of just taxation that men should be taxed in proportion to their means. Leaving out of account taxation of personal property, and considering only the taxation of real estate for State and local purposes, a study of the tables given above shows clearly that poor people and those of moderate means are paying in taxes more under the present system than they would pay under the single tax, and that the well-to-do and the rich are paying much less now than they would under the single tax. And for further evidence I wish to refer to some studies made by Mr. S. H. Howes, of Southborough. He finds by calculation (based upon the same assessment for 1888 from which I have quoted above) that the farmers of his town, with few exceptions, would pay less under the single tax system than under the present. The exceptions are where men hold and use, for farming, lands more suitable to be cut up into house-lots and occupied for residences. During the present year the board of assessors of the town, of whom he is now one, have decided that the farming lands are valued too high, and have cut down the valuations of them on an average ten per cent., which makes the balance in favor of the single tax system there still greater.

But the excess of the burden upon the poor under the present system over that under the single tax becomes still more marked when we take into consideration also the indirect taxation due to the tariff. It is of course impossible to give exact figures of the burden of tariff taxation upon individuals, but estimates have been made. Senator Hoar, in a speech made in Boston, Nov. 2, 1888, estimated that an ordinary laboring man who has a family of seven to support, and whose average earnings are \$2.50 a day, pays \$50 a year by reason of the increased price due to tariff taxation. Mr. Carroll D. Wright, as quoted in a document prepared



by the Massachusetts Tariff Reform League, says that a man whose earnings amount to \$1,000 a year pays \$100 per year in increase of prices due to the tariff. One of the estates mentioned by me in the second table above belongs to a young man, a salesman in a store, who earns probably from \$1,000 to \$1,200 per year. He would pay under the single tax \$25: he now pays in direct tax to the State \$44.80, and adding to that \$50 for tariff taxation, the same amount that is paid by the laboring man according to Mr. Hoar, makes his total tax \$94.80, nearly four times what he would pay under the single tax system.

Again, looking at lands used for business purposes, and which are, as a general thing, hired and not owned by the users, the present system increases the cost of using land to them beyond what it would probably be under the single tax. This is due to two causes: first, the present system enables owners of land to retain old and unsuitable buildings on valuable sites, and does not offer any incentive to put land to its full use or to its best use. A study that I made about a year and a half ago of the buildings on Court Street in Boston, in the immediate vicinity of the court-house, showed that the lands on that street within four hundred feet of the court-house were used to the extent of one-third only of their available capacity. The effect of this, of course, is to diminish the supply of offices, so that an increasing demand is not fully met, and hence increase of rents. And the second cause is that such new buildings as are erected, being increased in cost by the increased cost of the materials due to tariff taxation, larger rents have to be paid by the users of such buildings, according to the well-known rule that the burden of indirect taxation is shifted upon and borne by the consumer. The effect of the single tax would be to compel owners of land to use it to the best advantage, or to abandon it to some one else who would so use it. In cities, owners of valuable land occupied by old and unsuitable buildings would find it necessary to remove them and supply their place with better. The immediate effect would be increased demand for all materials that enter into the construction of buildings, and therefore for the labor of those who provide them, and next for the labor of those who construct the buildings. Hence, increase of wages for all such workmen, a better demand by them in turn for all things required to supply their wants. Hence, a wave of prosperity which would spread through the whole community; and, men being left free to exchange with each other, there could not

be any overproduction, as the phrase is, but, as water runs to the low level, so products would flow to the point where they are needed. And, further, since the private monopoly of land would be destroyed, men would be able to obtain land for use for any purpose: they would have the chance to employ themselves, to find out the occupation to which they are best suited, and to use their powers accordingly.

I have estimated above 5 per cent. as the average ground rent. I arrive at that in this way. Men will not invest in land unless they can obtain as much from its use as they can obtain from other investments. The net return that can be obtained from first class mortgages is a fair index of what can be obtained from sound investments. I know that by sufficient attention a little more than 4 per cent. can be obtained on first-class mortgages in Boston and vicinity, as the average of a considerable fund; but I take 4 per cent. as a conservative estimate. The average taxation on land values in Boston for several years past has been about 1 per cent. Adding the two gives more than 5 per cent.: but, again, I have taken 5 per cent. as a conservative estimate.

It will be interesting to compare the amount raised by taxation in the city of Boston, under the present system, and what it would be under the single tax. I take the figures for 1899, as those for the current year are not yet available. The valuation of property in Boston for purposes of taxation May 1, 1899, was as follows. I take round numbers. —

Real estate	
Land	\$20,000,000
Buildings	10,000,000 10,000,000
Personal estate	10,000,000
	40,000,000
Total direct taxation, 1899, and its increase	\$4,000,000
Of which here was paid in respect to and	1,000,000
Buildings	100,000
Personal estate	100,000

Taking into consideration the large tracts of land situated in the locations of harbours, wharves, and docks, and lands occupied by churches and other corporations, hospitals, and almshouses, which are exempt from taxation, and the other lands owned by corporations, which are taxed at a low rate, it is probable that we should consider in addition to the above a considerable amount, and that

000,000 as the total land value of Boston, which at 5 per cent. would give for the product of the single tax \$20,000,000. The needs of the National Government, economically administered, should not require more than \$300,000,000. \$5 per head of the present population, about 65,000,000, would give \$325,000,000. As the Constitution requires that direct taxes shall be assessed on the States in proportion to population, the share of the city of Boston whose population somewhat exceeds 400,000, would be about \$2,250,000, leaving \$17,750,000 for State and local purposes, and giving opportunity for providing better public service than we now have.

From the facts that I have stated it seems to me clear that the application of the single tax system will greatly diminish the excessive burden of taxation now borne by the poor and people of moderate means, who form the bulk of the community; will better enable every one to make the best use of his powers, and will establish that equality before the law which in theory forms the basis of our institutions.

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## 12. THE SINGLE TAX.

BY W. T. HARRIS, U. S. COMMISSIONER OF EDUCATION.

By the expression "single tax" is meant a tax levied on land exclusive of improvements of all descriptions, said tax being the sole tax levied by the government. This is the meaning given it by Henry George and his followers, and in the current discussions of the day which have grown out of Mr. George's attack on the institution of private property in land. In his famous book on "Progress and Poverty," and in supplementary writings of his, he contends that private ownership in land is the chief cause of poverty among men, and that it should accordingly be abolished. A practical scheme for this purpose he suggests would be the levying by the State of a tax on land sufficient to absorb the entire rental collected for the land minus the improvements of all kinds. This would practically confiscate land, according to his view. It is to be presumed that most of the advocates of a single tax ground their advocacy of it on this doctrine of the evil of property in land, and on the supposed efficacy of a single tax to confiscate and destroy this species of property.

But it must be admitted that a single tax may likewise be advocated by others on the ground that it is the most equitable tax, because it will diffuse its burden throughout the community in a most equable manner. Moreover, these other advocates of a single tax may differ among themselves as to the kind of property on which the tax is to be assessed. It may be, for instance, on personal property alone, or on real estate alone, or on that part of real estate known as "improvements"; or on the land pure and simple, without these improvements; or, finally, the usual tax on property of all kinds and descriptions may be called a single tax on property; or it may be levied on all persons as persons without regard to their possessions, or on a class of persons,—all males for example, or on all males who are of age, or who vote. Any one of these forms of taxation of person or of property is a single tax, and may be preferred by such theorists as believe it to be

more salutary to the best interests of the people. It may be said of a preferred form of single tax that it encourages productive industry, while others militate against it; or that it prevents the unequal accumulation of wealth; or, on the other hand, that it encourages the accumulation of capital; or that it interests all citizens in the support of the government; or that the citizen pays his tax without feeling it (as in the case of duties on imports); or that it respects personalty more than property (a reason for a single poll tax); or that it abolishes some kind of property or restrains its production within limits (for example, the excise tax on whiskey or tobacco, or, finally, this single tax on land).

Now, it is a matter of prime importance in discussing the question of taxation to consider where the ultimate burden will fall. If the class of property taxed is of such a nature that its owners can at once transfer the burden to another class of people who are a step nearer the final consumption of the products of the property, it must be considered what is the effect of this transference. Does it entirely relieve the property-owner of his just share in the expense of supporting the government? If so, a reasonable objection will lie against it. This objection may be more or less counterbalanced by showing that this mode of collection avoids greater evils; for example, the evil of using distraint or violence—the jail, for example—to compel the payment of taxes on the part of the “ultimate consumers” here mentioned. Doubtless any indirect system is better than this force system used formerly in this country, and at present in many parts of the world, as, for example, in the rural districts of Russia.

It is evident that our question of single-tax therefore has two aspects. First, what would be the effect of such a tax on the ownership of land; on its productivity and general usefulness; on the accumulation of capital; on the encouragement of productive industry; on the growth of self-respect and aspiration among the people at large? and what other effects like or different from these? Does, in the first place, an exclusive land tax tend to strengthen or to weaken the power of the land-holding class?

The second aspect of the question relates to the intrinsic question of property in land, whether evil or good.

Addressing ourselves to the first question,—the effects of a land tax,—let us note, first, that there are two widely different uses for land, in some sense antagonistic or at least competitive. The use of land for agricultural purposes,—the cultivation of the soil for its

growing productions, useful for food, clothing, and shelter,—this is the first use. The other use of land is for building lots,—the needed ground for dwelling-houses, manufactories, warehouses, etc.

The value of the land for agricultural purposes depends upon a variety of circumstances, such as fertility, nearness to market, competition of other industries affecting the price of labor, competition with other sources of supply, such as foreign commerce, or distant and more fertile farming lands brought near by cheap and rapid transportation.

The value of the lot used for building purposes depends on such circumstances as nearness to place of business, nearness to some natural advantage, such as a waterfall or a good landing-place for shipping, or a place where freight must be broken in its transit in order to be transferred from one kind of conveyance to another,—say from ship or canal to railroad or wagon; also on healthfulness; on the outlook; on the quality of the neighbors settled there; on the proximity to the elements of civilization, such as churches and schools; on the efficiency of the local and general administration of government, etc.

The price of land used for building lots is out of all proportion to its price used for purposes of agricultural production. Moreover, the one species of landed property acts against the other species to a greater or less degree; for the agricultural lands in the suburbs of a city enter into a sort of competition with the city lots, and by means of facilities of rapid transit they offer certain advantages, of cheapness of price and healthfulness of environment, that have the effect of keeping down the price of the city lots within certain limits. The competition of the two renders impossible any absolute tyranny on the part of the land-holding class.

On the other hand, the use of land for building purposes acts to prevent the utter depreciation of value that would otherwise come to land from competition with more fertile regions. New England farming, except for market-gardening purposes, does not pay the laborer more than two-thirds of the average wages earned by the people of the nation as a whole. But the demand for building lots keeps up the total value of land in every State in New England, and even increases it yearly.

The immense growth of cities, the new conditions of urban life, constantly modify the form of this struggle between building lot and farm. The use of wild and barren rocks for places of rec-

recreation in the summer heats is bringing up the prices of capes and islands along the coast of Massachusetts and Maine, and of mountain resorts all over New England. The actual value of land for building lots in the State of Massachusetts cannot be far from ten times the value of land used for agricultural purposes. That State, as is known, assesses its land and improvements separately; and I count sixty-five (65) towns which assess land at upwards of one million each, and in the aggregate at a sum exceeding \$488,828,178, the same being 83 per cent. of the entire value of all the land in the State, which is \$587,824,672. In most of these towns the agricultural land is a very insignificant item. Looking over the list of the other towns, one sees that their land values depend chiefly on the portion used in the villages for building purposes; and I am surprised to see that the ratio of ten to one is too small rather than too large.

Hence we find the poorest land—least valuable for agriculture—vying in prices with the richest land in the State, wherever it is needed for urban purposes of recreation or dwelling sites.

This competition between two species of landed property is something that Ricardo did not dream of when he formulated his nightmare theory of rent. And I may add that Mr. Henry George, for whom I feel a far higher respect than for Ricardo, because he has made his studies in political economy in the interests of humane, philanthropic purposes,—I may add here that Mr. George seems to have left out of account this very important distinction in landed property, and thereby omitted from view the competition of land against land, which limits and prevents the absolute monopolization that he regards as the great evil in present society.

Let us study for a moment the effect of laying a single tax on land alone for the support of the government. Such a tax would be large enough to absorb more than the present net rental of all the land. But this would not matter to the land-holder if he could shift the payment of the said tax upon his tenant, nor to his tenant, if the latter could again shift it upon society at large, in the same way that the enormous rentals of New York City are collected by the merchant tenants from the purchasers of their merchandise.

The effect of the increased taxation would not at all loosen the hold of the land-owner unless the tax could not be shifted from the owner to the tenant. But, if it could not, such a tax would

certainly have the effect presupposed by the advocates of this tax; namely, to confiscate private ownership in land.

First, let us consider the case of the agriculturist. Here competition exists between widely separate sections of our own country, especially of the Mississippi Valley with the Atlantic slope, and even of California with both the former. For some time past agriculture in New England has not paid the laborer so high wages as have been paid in trade, transportation, and manufacturing. The staple crop of grain does not pay living prices in that section. Only the more perishable products of the garden and orchard have been able to hold their own against competition with the West and South.

Under the single tax, therefore, there would be a rapid decrease in prices of land whose value is solely agricultural. But, as we have seen in the case of Massachusetts, the quantity of this species of property is already a small figure. The price of this land would soon settle down to a point where the tax tribute became insignificant; and then farming would still go on as before. Land would be worth something, though a very small sum. Extensive territories could be bought up for gentlemen's parks; and the hardy peasantry that still lingers in these regions would seek other places and other work.

But the building lots would hold their own. After a little readjustment between lots in the city and lots in the suburbs, there would be a steady value. The land-owner would be able to collect the entire tax from his tenant; and his tenant would charge it again as wages or as profits on his goods and manufactures.

Thus the single tax would not confiscate land. Those who advocate the single tax under the persuasion that it will destroy land values have therefore not discovered a good device for carrying out their theory. The effect of a single tax on land is not to destroy land property, but to make great changes in present values. It will enable the wealthy man to own vast preserves where the tax has depreciated the values of present farming lands; but it will render the landlord all the more powerful in cities and villages. For, whenever large sums of ready money have to be raised to pay the tax-gatherer, the unthrifty part of the population stand no chance against the usurer and the hoarder of money.

The effect of the single tax, therefore, would in only one respect work in the direction that Mr. George's philanthropy hopes that



it would; namely, it would tax heavily the land kept for private parks and grounds near populous cities, as well as city lots held back for speculative purposes.

Turning for a brief moment to the other phase of this question, let us ask whether the private ownership of land is an evil. And on this subject I call attention to the fallacy in the argument made against property in land. Free ownership of land is not the cause of poverty, but a preventive of poverty. It is the limitations on private ownership and free alienation of landed property which work evil in Great Britain. The laws of entail and primogeniture work to prevent dissolution of large landed estates. But, after all, land is not the chief factor in wealth anywhere, except in the places where land is cheapest because of the sparsity of population. As an actual fact, the rental of land is a small item compared with the average income of the individual here or in England. I make it to be two (2) cents a day on an average for each man, woman, and child in the United States against an average income of forty (40) cents per day for each man, woman, and child. Even if one goes so far as Mr. T. G. Shearman, who wrote in the *Forum* of last September (1889), and estimated the aggregate value of land at double the amount which I have estimated it,—namely, at twenty billions instead of ten billions of dollars,—still it does not look to be a formidable tax for ground rent, if we say four (4) cents a day instead of two (2) cents a day for the average man, woman, and child.

The great argument of those who condemn property in land is, therefore, very much weakened for us when we leave our hypotheses and inquire into the actual facts.

The real ground in favor of private property in land is the one emphasized by the history of civilization since the epoch of the Roman Empire. The Roman discovered the forms of will, the forms of social action in which men may live together in a community and not destroy each other. The subordination of person and property to the supremacy of the government was balanced by giving the individual a *dominium* in his private property, in chattels, and in land and fixtures, within which he could be absolutely free. He could do what he pleased with his private property. Through such independent exercise of his will, extending even to caprice and arbitrariness, the individual came to know himself, and to gradually lay aside his irrational for his rational tendencies and impulses. The play of the child is of the same nature. In

play the child exercises his own free will, and does not act out the prescribed forms of some one else. Hence his play is a process of self-revelation, and there is nothing which affords so powerful a nurture to the individuality of the child as his plays and games. So the institution of private property, and, above all, property in land, furnishes the most powerful of all stimulants that add strength of individuality. This is, in fact, the secret of the ability shown by the noblemen of the various countries of Europe. The land is a *dominium*, or province in which the free will can be displayed, a playground of original individuality wherein the character develops its strength. This Roman device has very gradually spread over Europe, supplanting the institution of the village community and the common fields for tillage, for pasture, and for forest trees. With this establishment of private ownership in land there have grown, step by step, the free individuality and self-respect which give modern life its great value. Where the Roman system had prevailed only in part, as in the case of the manor of four hundred years ago, the inhabitants of the land were not free to choose their habitats nor their employers, but had to remain attached to the soil, and do a certain amount of menial service at the pleasure of the lord of the manor. The present laws of primogeniture and of entail of landed estates in England are what remains of the ancient forms of land-ownership, or "primitive property," as Laveleye calls it. In all tribal civilizations, and in rudimentary civilizations generally, there is lacking this device of full ownership of land. And in consequence thereof there is, first, a defect in the management of land so as to secure its highest productivity; and, secondly, a more disastrous defect in the character of the people, who are living without the daily consciousness of the possibility of owning in fee-simple the land on which they set up their homes. It is the perpetual consciousness of the possibility of this ownership, rather than the exercise of it, which produces this salutary effect on the development of individual character.

In conclusion, I present in a table the sixty-five towns of Massachusetts showing, in 1885, land exclusive of buildings and improvements amounting in each to one million of dollars and upwards in aggregate value. These sixty-five towns have a very small fraction (not over one per cent.) of land assessed at agricultural prices; for even their farming land is held at high prices, because of the demand for it for building lots. In the remaining

portion of the State, containing land to the value of ninety-nine millions of dollars, at least one-half of the value comes from building lots in the villages and suburbs. I give this table in full, because the preponderance of urban property in the aggregate valuation of any populous State is not well known; and very few will believe on one's bare assertion that the land for building lots in Massachusetts exceeds in value the land held exclusively for agricultural purposes in the ratio of ten to one.

The lesson, too, of this statistical table is obvious and conclusive on this question of single tax; for the object of the single tax here discussed is not to attack the agricultural uses of land in sparsely settled regions so much as the private ownership in cities and thickly settled regions. The single tax will affect the values of agricultural land very materially,—reducing them to zero in most parts of the United States,—but said single tax will not have any effect on the ownership of building lots except to cause increase in rental. The great bulk of landed property, therefore,—that in populous regions,—will not be affected by the single tax, even when it collects in taxes an amount much larger than the present entire economic rental. The city of New York has in land value (exclusive of buildings) what is estimated to amount to one-thirteenth of the entire land value in the United States. This enormous item of wealth is caused by the commercial needs of the entire country. Manhattan Island is required for the purposes of a market; and each section of the country uses it, directly or indirectly, and offers competitively its price for a standing-place in said market. The result of this competition is the high value of land in the city named. The necessities of the country would continue to use Manhattan Island for its commercial purposes, even were the land there to be taxed five times its present rate. But the land-owners would not have to pay this tax. It would be paid by the millions of people who have to use the goods which pass through New York to be distributed to the consumers, and by the millions who raise products which seek the market of the world through the same cosmopolitan seaport.

We must conclude therefore, in regard to this question of a single tax assessed on land exclusive of improvements, that it would work a very dangerous and revolutionary destruction of values in all farming lands, while it would not help the people supposed to be in want of land in our thickly settled centres of population, because the tax would not fall on the owners of land,

but on their tenants, who would again collect the same in the form of wages or profits.

## MASSACHUSETTS, 1885.

<i>Towns and Cities.</i>	<i>Land, exclusive of Buildings.</i>	<i>Towns and Cities.</i>	<i>Land, exclusive of Buildings.</i>
North Adams, . . . . .	\$1,315,230	Marlborough, . . . . .	\$1,262,770
Pittsfield, . . . . .	2,902,380	Medford, . . . . .	2,987,580
Attleborough, . . . . .	1,959,567	Melrose, . . . . .	1,872,225
Fall River, . . . . .	11,852,625	Natick, . . . . .	1,566,650
New Bedford, . . . . .	6,573,952	Newton, . . . . .	11,045,461
Taunton, . . . . .	4,356,279	Somerville, . . . . .	12,837,400
Beverly, . . . . .	4,710,790	Wakefield, . . . . .	1,177,370
Danvers, . . . . .	1,017,700	Waltham, . . . . .	3,362,100
Gloucester, . . . . .	3,664,150	Watertown, . . . . .	2,524,890
Haverhill, . . . . .	5,586,895	Winchester, . . . . .	1,415,673
Lawrence, . . . . .	9,184,025	Woburn, . . . . .	2,711,530
Lynn, . . . . .	11,251,045	Brookline, . . . . .	12,954,100
Manchester, . . . . .	1,067,225	Dedham, . . . . .	1,349,098
Marblehead, . . . . .	1,385,775	Hyde Park, . . . . .	1,973,537
Nahant, . . . . .	1,264,540	Milton, . . . . .	2,116,450
Newburyport, . . . . .	1,476,840	Quincy, . . . . .	2,832,775
Peabody, . . . . .	1,937,050	Wellesley, . . . . .	1,124,077
Salem, . . . . .	4,862,590	Weymouth, . . . . .	1,199,089
Swampscott, . . . . .	1,160,055	Brockton, . . . . .	7,552,200
Greenfield, . . . . .	1,235,536	Hull, . . . . .	1,167,819
Chicopee, . . . . .	1,131,220	Middleborough, . . . . .	1,015,405
Holyoke, . . . . .	3,224,820	Plymouth, . . . . .	1,013,725
Springfield, . . . . .	14,053,110	Roston, . . . . .	215,815,050
Westfield, . . . . .	2,204,613	Chelsea, . . . . .	6,701,700
West Springfield, . . . . .	1,315,291	Revere, . . . . .	1,858,900
Northampton, . . . . .	2,425,690	Winthrop, . . . . .	1,526,075
Arlington, . . . . .	1,786,185	Clinton, . . . . .	1,214,250
Belmont, . . . . .	1,173,730	Fitchburg, . . . . .	4,507,125
Cambridge, . . . . .	22,425,600	Leominster, . . . . .	1,318,039
Everett, . . . . .	2,456,100	Milford, . . . . .	1,289,152
Frammingham, . . . . .	1,627,970	Southbridge, . . . . .	1,144,105
Lowell, . . . . .	17,771,030	Worcester, . . . . .	20,822,500
Malden, . . . . .	5,245,750		
			\$488,828,178

Total value of land, exclusive of buildings, for the entire State, \$587,824,672.

## CLOSE OF THE SINGLE TAX DEBATE.

The long speech of Mr. George was followed by Mr. Atkinson, as the shorter speech was followed by Professor Seligman; and these words of Mr. Atkinson closed the long debate.

### FINAL REMARKS OF EDWARD ATKINSON.

MR. ATKINSON.—I have closely followed Mr. George's propositions, and I find many fundamental points of agreement with him in some of his positions, but an absolute difference in our conclusions. There is one "unearned increment" of a most important kind which he has wholly overlooked, but which is a very proper subject of taxation; that is, the unearned increment which arises from the aging of whiskey by keeping it three years in bond. From that source, or from taxes analogous to the taxes on whiskey, such as the taxes on beer, wine, and tobacco, coupled with the whiskey tax, we now derive more than a fifth—probably a fourth—of all our public revenues for the support of national and municipal governments. In the aggregate, estimating licenses at a moderate sum, this tax comes to about \$160,000,000 a year. At the present rate of taxes upon land valuation, the revenue derived from that tax is about \$140,000,000 a year. In my judgment, it would be the utmost folly to relieve whiskey, beer, and tobacco from taxation, which yields \$160,000,000 a year, and to double the present burden upon land, which is now \$140,000,000.

In the present discussion it has appeared that Mr. George and myself agree:—

1. That there is no absolute ownership of land under the English Common Law. We agree that what individuals now possess is "*an estate in land*," which is subject to many conditions. These conditions may be varied.

2. We agree that all rents, taxes, wages, profits, and earnings are liquidated in products which are derived primarily from land, but which are rendered suitable to the necessities of men by conversion and reconversion.

3. We agree that there are certain bad taxes now in force. We

agree that, in order to get rid of bad taxes, it might not be expedient to substitute a worse one.

4. We agree that the world is very poor, always within a year or less of starvation, therefore supported mainly from each year's product.

5. We agree that the individual possession of land is necessary to productive use, in order that humanity may be sustained; in other words, that the land must be impropriated.

6. We agree that, while all things have been land, all things will be land,—dust to dust in the old form. Therefore, all forms of material substance consist of the products of land converted into a different form. How shall this conversion be worked?

Mr. George would, in my judgment, substitute for the present conditions under which land may come into the possession of the landless man other conditions which would, in my judgment, be vastly more onerous upon him. He would exempt all productive ability from taxation, except that ability which is applied to land when used as the primary tool or instrument of production. I would not exempt those higher and more potent forms of ability from bearing a share of the public burdens.

The Ricardian hypothesis of rent is a useful hypothesis for thought. It is not a workable hypothesis, by way of which a tax can be measured. It is very true that there is no difficulty in determining a valuation of land so long as you do not destroy its value in exchange. There is therefore no difficulty now in assessing land at a valuation; that is to say, at its market value. But, if Mr. George's plan, which is that of assessing land for taxation so as to destroy its market value, could be put in force, then its valuation as an article of exchange must be ended; and its valuation or rental value for purposes of taxation would depend wholly upon the arbitrary judgment of a board of assessors, who might or might not be competent to make the assessment.

Mr. George and myself agree that the widest possible distribution of land is desirable; and I cannot but wish that Mr. George had applied the considerable ability which he possesses to a closer study of the Torrens System of the Registry of Land Titles while he was in Australia. It is a system which greatly facilitates the distribution of land, of which I am making a very close study for future publication.

The conclusion to which I think we have been led by this discussion is, that all Mr. George has proposed is a change in the existing

conditions under which the possession of land is to be granted by the State; and, in the judgment of those who have listened closely to his rhetoric, in order to eliminate a thread of reasoning, he has utterly failed to make a good case for such a change as that which he advocates, which, after all, is but a change in the details of taxation.

There is one point in Mr. George's whole argument and method to which I take most profound exception. He attributes to the existence of wealth the cause of poverty. For this he is without a shadow of justification, and he makes use of that erroneous assumption in creating malignant discontent,—in stirring up class hatred and in laying a foundation of more mischief than he can cure with a lifetime of service. Upon a pure assumption, ill-grounded in logic or reason, that a single tax on land valuation would be a remedy for poverty, he creates a prejudice against people of wealth, whose gains have been made in such a way that their very gains are but a slight measure of the services which they have rendered to their fellow-men; and he denounces many owners of this wealth, not by name but in fact, who are well known to every person in this room, whose urgent work for the benefit of humanity raises them to a plane so far above the ill-digested undertakings upon which he has entered in the matter of taxation as to put his efforts utterly in the shade.

The efforts which are being made on every side by the rich, the well-to-do, and the intelligent, in abating that ignorance which is the prime cause of poverty, will be continued with greater and greater and ever increasing beneficent results, long after the theory of the single tax upon land valuation shall have been laid away and forgotten; as so many other plausible methods of dealing with these portentous questions of poverty and pauperism have been put aside because they touch not the root of the matter. All such panaceas fail, because they do not tend in the slightest measure to develop the individual capacity of man himself, so as to enable him to take more and more advantage of the opportunity for material welfare which science and invention are constantly placing at his disposal.

## CIRCULAR OF THE AMERICAN SOCIAL SCIENCE ASSOCIATION.

CONCORD, MASS., NOV. 1, 1890.

DEAR SIR :

The Executive Committee of the American Social Science Association desire to call your attention to the position and work of this society, which was organized twenty-one years since, and has been instrumental in many undertakings of a public character which have had important results. Our Association first conducted discussion systematically in 1869-70 on the need of Civil Service Reform, and for many years kept that subject before the people, until Congress and the national administration took decisive action. The organization now known throughout the country as the "National Conference of Charities," which meets annually and brings together the representatives of thirty States to consider the principles and the practical administration of public charities, including the care of the insane, is the offspring of this Association, which in 1874 called the first Conference in the city of New York. The National Prison Association, founded in 1876, the American Historical Association, and the American Economic Association have also been organized with our co-operation, and for three years and more we have been laboring with some success to promote the systematic teaching of the studies included under the general name of Social Science in the principal colleges and universities of America.

All these efforts, and particularly the formation of independent societies, working in their own special lines, and pursuing discussion or action farther than the parent society can carry either, have materially weakened our own organization. Our members who joined in 1865-66 have naturally been diminished by death in so many years ; those who joined us in 1869-70, under the strong impulse given by the first salaried Secretary, Mr. Villard, have also become few ; and, as new societies have been established, they have drawn many from our ranks or prevented accessions, so that the present list of our members is much too small for the work before us. We therefore appeal to you and to such of your friends as are



interested in the discussion of public questions in a free parliament of enlightened persons, without selfish or partisan views, to join with us in efforts to increase our membership at this time.

By our present Constitution, besides the Annual Meeting of the Association at Saratoga in September, we are at liberty to hold quarterly meetings, in connection with the sessions of the Council, in the months of March, June, and December. In this way local meetings may be assembled in the larger cities, when occasion arises, and the interest of the public is aroused in special questions of importance. It is also feasible, and might be advisable, to hold meetings in certain university towns, in connection with the delivery of lectures to advanced students, and there bring together for discussion persons thoroughly familiar with the topics there under consideration. This was a favorite plan of the late Prof. Benjamin Peirce, who presided at the meeting of our Association in Cincinnati, in 1878; and it now seems capable of being realized, since the increase of social science studies in the chief universities and many of the colleges of the United States has led to the appointment of special professors and lecturers, who address many students every year.

May I trouble you to write me, if you happen to be connected with any university or college, whether a meeting of our Association or of its Council, a list of whose members I enclose, at any future time at that college or university, would be desirable, and, if so, when; also, whether you or any of your friends would join the Association, now or at that time? A copy of our Constitution accompanies this circular. The annual meeting of the Association is regularly held at Saratoga, in September, during which our members are received at reduced rates in the United States Hotel there, which is our headquarters during the meeting.

Our Association was organized in October, 1865, at a public meeting in Boston, at which Governor Andrew, of Massachusetts, presided. Its Presidents have been Prof. W. B. ROGERS, SAMUEL ELIOT, GEORGE WILLIAM CURTIS, President WOOLSEY, DAVID A. WELLS, President GILMAN, of Baltimore, Prof. WAYLAND, of Yale, General EATON, of Marietta College, Hon. CARROLL D. WRIGHT, of the National Labor Bureau, and Hon. ANDREW D. WHITE, ex-President of Cornell University, who now fills the office; its secretaries, SAMUEL ELIOT, HENRY VILLARD, and F. B. SANBORN. It has members in nearly all sections of the United States, numbering about 300. Its object, stated briefly, is to encourage

the study of the various relations, social and political, of man in modern life ; to facilitate personal intercourse and the interchange of ideas between individuals interested in promoting educational, financial, sanitary, charitable, and other social reforms and progress ; and promptly to make known to the public theoretical or practical results which may flow from such studies or investigations. The Association has no funded property : its *regular* income is composed mainly of annual payments from members, which now amount to less than \$1,200 *per annum*. It is thought that the time has come when we may confidently appeal to the general interest felt in Social Science throughout the country for the purpose of enlarging its list of members to 500 or 1,000. Supported in this way, and relying on a wide-spread popular feeling, it will not only stand firmer, but will accomplish its educational object far better than if supported by a few subscribers. Membership is obtained by the annual payment of five dollars. This confers the right to take part in business meetings of the Association, and to vote in election of officers, and entitles one to receive its publications free of expense. The publications consist chiefly of the "Journal of Social Science," which includes the results of the work of the Association, more especially the proceedings and papers of the General Meetings.

Publications can be obtained and information had by addressing the Secretary, F. B. SANBORN, Concord, Mass., or the Publishers for the Association, DAMRELL & UPHAM, Boston, and G. P. PUTNAM'S SONS, New York.

For the Executive Committee,

F. B. SANBORN,  
*Gen. Sec'y.*



JOURNAL  
OF  
SOCIAL SCIENCE

CONTAINING THE  
TRANSACTIONS OF THE AMERICAN ASSOCIATION

NUMBER XXIX.

AUGUST, 1892

SARATOGA PAPERS OF 1890 AND 1891

PART II.

MISCELLANEOUS PAPERS

PUBLISHED FOR THE  
AMERICAN SOCIAL SCIENCE ASSOCIATION  
DAMRELL & UPHAM, BOSTON, AND G. P. PUTNAM'S SONS, NEW YORK  
1892

EDITED BY  
F. B. SANBORN  
GENERAL SECRETARY OF THE ASSOCIATION  
CONCORD, MASS.

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Press of GEO. H. ELLIS, 141 Franklin Street, Boston.

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The attention of members of the Association is called to the announcement of Addresses, Reports, Papers, etc., to be presented at the General Meeting of 1892 at Saratoga, as printed on pages v-vii, immediately following this page.

## INTRODUCTION.

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The papers included in this number of the *Journal of Social Science* are a few of the Saratoga papers of 1890-91. As some misapprehension may exist in regard to the publication of papers by the Association, it may here be said that all papers engaged for the General Meeting of the American Social Science Association are so engaged, with the understanding that they may be printed in the *Journal of Social Science* if the Council so decide. If, therefore, the writers choose to publish their papers elsewhere (to which the Council offers no objection), it must be with the stipulation that these papers may also be published in the *Journal*, at the option of the Council as to the time of publication.

A list of all the Addresses and Papers for the meeting of 1892 is printed on pages v-vii.

CONCORD, MASS., Aug. 15, 1892.

# American Social Science Association.

## GENERAL MEETING OF 1892.

The General Meeting of 1892 will be held at the large Court-room in the Town Hall in Saratoga, beginning Monday, August 29, and closing Friday, September 2.

The opening Address will be given by the President, H. L. WAYLAND, D.D., of Philadelphia, Monday evening, August 29, at 8.00 P.M. Subject, "*Has the State Abdicated?*" On the same evening at 9.00 P.M. Rev. J. M. BUCKLEY, D.D., of New York, will address the Association, on "*Mental and Moral Contagion.*"

The Departments will hold sessions as follows:—

TUESDAY, AUGUST 30.

*Department of Education.*

9.30 A.M. Remarks by the Chairman, MERRILL EDWARDS GATES, LL.D., President of Amherst College.

10.00 A.M. Report of the Secretary, Dr. LOUISE FISKE BRYSON, of New York, on "*Education in the Treatment of Nervous Girls.*"

11.00 A.M. A Paper by Miss C. M. HEWINS, of the Hartford Library, Connecticut, on "*Public Libraries as a Factor in Education.*"

11.30 A.M. A Paper on the "*Educational Value of Modern Economics,*" by STARR HOYT NICHOLS, Esq., of New York.

12.00 M. A Paper on "*Art Education in American Life,*" by MYRA B. MARTIN, of New York.

8.00 P.M. Annual Election of Officers.

8.30 P.M. A Report by the General Secretary, followed by a Debate.



## WEDNESDAY, AUGUST 31.

*Department of Health.*

9.00 A.M. Remarks by the Chairman of the Department, FREDERICK PETERSON, M.D., of New York.

9.30. A.M. A Report by the Secretary of the Department, W. D. GRANGER, M.D., on the "*Work of the Health Department since its Organization.*"

10.00 A.M. A Paper by MATTHEW D. FIELD, M.D., of New York, on "*The Care of the Public Insane in New York City.*"

10.30 A.M. A Paper by RALPH L. PARSONS, M.D., of Sing Sing, N.Y., on "*Management of Incipient and Mild Cases of Mental Disturbance.*"

11.00 A.M. Discussion of the preceding Papers.

11.30 A.M. A Paper by Dr. E. F. BRUSH, of Bronxville, N. Y., on "*Why is Man affected with Tuberculosis?*"

12.00 M. A Paper by HENRY LING TAYLOR, M.D., of New York, on "*American Childhood Hygienically Considered,*" followed by debate.

8.00 P.M. An Address by W. W. KEEN, M.D., of Philadelphia, on "*The Modern Surgery of the Brain.*"

9.00 P.M. A Paper by FREDERICK PETERSON, M.D., of New York, on "*The Old and the New Phrenology.*"

## THURSDAY, SEPTEMBER 1.

*Department of Jurisprudence.*

10.00 A.M. Remarks by the Chairman of the Department, Prof. FRANCIS WAYLAND, of New Haven, Ct.

10.30 A.M. A Paper on "*The Reading Leases,*" by C. LA RUE MUNSON, Esq., of Williamsport, Pa.

12.00 M. A Paper on "*State Supervision of Insurance Companies,*" by SAMUEL MARSH, Esq., of New York.

12.30 P.M. A Paper on "*County Jails as Reformatory Institutions,*" by EDWARD B. MERRILL, Esq., of New York.

8.00 P.M. Papers on "*Crime and Penalty in the United States,*" and on "*Our Diplomatic Service,*" by Hon. ANDREW DICKSON WHITE, of Ithaca, N.Y.

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## FRIDAY, SEPTEMBER 2.

*Department of Social Economy.*

9.30 A.M. Address by the Chairman of the Department, F. B. SANBORN, of Concord.

10.00 A.M. Report by the Secretary of the Department, on "*The Sweating System*," by JOSEPH LEE, Esq., of Brookline, Mass.

11.00 A.M. A Paper on "*The Sweating System in Massachusetts*," by H. G. WADLIN, Esq., Labor Commissioner of Massachusetts.

11.30 A.M. A Paper on "*Conditions of the Labor of Women and Children observed by a Dispensary Physician in New York*," by ANNIE S. DANIEL, M.D., of New York.

12.00 M. A Paper on "*The Actual State of Tenements in Boston where Work is carried on*," by WILLIAM F. HICKS, Esq., of the Boston Board of Health.

12.30 P.M. Discussion of the Subject.

4.00 P.M. Papers on "*The Sweating System in Germany*," by Rev. JOHN GRAHAM BROOKS, of Brockton, Mass., and on "*Remedial Measures proposed in England by the House of Lords Commission with their Results*," by Mr. DAVID F. SCHLOSS.

4.30 P.M. General Debate on the Sweating System in America and Europe.

8.00 P.M. An Address on "*Architecture in Relation to Life*," by Mr. BARR FERREE, of New York.

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The headquarters of the Association will be at the UNITED STATES HOTEL as usual, where members and guests of the Association will be received at the reduced rate of \$3 a day.

By order of the Council,

F. B. SANBORN, *General Secretary*.

CONCORD, MASS., August 10, 1892.



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### DR. PLINY EARLE.

Among the members of our Association who have died since the last General Meeting, the oldest and most distinguished is Dr. Earle, whose death took place at the State Hospital for the Insane in Northampton, Mass., May 17, 1892. He was at the head of this well-known establishment from July, 1864, until November, 1885; and he continued to reside there, by invitation of the State authorities, until his death. His funeral took place in the chapel of this hospital, where he had so many hundred times met his patients and addressed them, on a great variety of topics, from the desk; for he was the first person in the world, it is said, who ever addressed a gathering of the insane in any other than a religious discourse, and the only one who ever gave a course of lectures on insanity to his patients. However this may be, he had certainly spoken to them more frequently, and on a greater variety of subjects, than any American specialist yet known. He was also one of the earliest, in this or any other country, to study insanity thoroughly on its practical and statistical sides; and his contributions to human knowledge in this matter have been more important than those of any member of our Association, or perhaps any citizen of the United States.

Pliny Earle was the son of a manufacturer and inventor, in the town of Leicester, near Worcester, Mass., where he was born Dec. 31, 1809. He belonged by descent and conviction to the Society of Friends; and his first American ancestor was Ralph Earle, one of the founders of the colony of Rhode Island. He was educated at the Leicester Academy and the Friends' School at Providence, where also he was a teacher for some years. He there began the study of medicine, which he pursued at the Medical School in Philadelphia, where he took his degree of M.D. in 1837. Almost immediately after this he visited Europe, where he remained for several years, travelling and residing in Great Britain, France, Italy, Greece, Turkey, and Germany; and soon after his return home was appointed—in 1840—resident physician of the Friends' Asylum for the Insane at Frankford, near Philadelphia,—a small

establishment, resembling in its character and management the famous York Retreat in England, which has this year celebrated the Centenary of its existence. In delivering his address at this Centenary meeting, May 6, 1892, Dr. D. H. Tuke, great-grandson of William Tuke, who was virtually the founder of the York Retreat, alluded to the visit made by Dr. Earle, in 1839, to this Retreat, and spoke of Dr. Thurnam, who was Dr. Earle's predecessor in the careful study of the curability of the insane. Dr. Earle was chosen in 1844 Superintendent of the Bloomingdale Asylum, near the city of New York, and remained there until he went abroad again, before 1850. After his return from this second visit to Europe he entered general practice, but with a constant inclination toward the specialty of insanity, for which he had trained himself; and in 1853 he was visiting physician of the pauper asylum of New York City, where he directed attention to some abuses then existing there. In the same year he was a lecturer on insanity in the New York College of Physicians and Surgeons; and afterward was appointed Professor of Psychology in the Berkshire Medical School at Pittsfield, Mass.,—the first professorship of this kind in an American medical college. Some ten years before he had carried on for some years, in the Bloomingdale Asylum, the first school for insane patients ever maintained in such an establishment; and in 1844 he was one of the thirteen physicians and specialists who founded what was long known as the Association of Medical Superintendents of Hospitals for the Insane. He was the last survivor of these earnest men, and was President of the Association in 1884–85. He was the first President of the New England Psychological Society,—a local association having the same general aim,—and was connected more or less actively with many societies, here and in Europe, having for their object the improvement of mankind, to which he was sincerely devoted. He was an honorary member for forty-eight years of the Medico-Psychological Association of Great Britain and Ireland, and contributed to its admirable *Journal of Mental Science*, of which Dr. Tuke has long been the editor. In the latest number (CLXIII.) of this Journal for July, 1892, Dr. Tuke says of him, among other things:—

Dr. Earle, as is well known, attracted great attention at one time to the question of the degree to which the insane recover; and caused much surprise, not unaccompanied by incredulity, by demonstrating from statistics that the percentage of recoveries was smaller than supposed, and the proportion of relapses greater.

He was foremost in exploding the constant and seductive fallacy of confounding persons with cases ; and, unfortunately, not a few remain unable to understand or appreciate the distinction between the two. He revelled in figures, whether scientific or financial, and in regard to the former may be compared to Dr. Thurnam, for whose laborious researches he entertained the greatest respect. In regard to asylum construction, he favored a departure from the orthodox views current among the old school of American alienists. In this and other respects he was a man of independent opinion. In religion he was broad and catholic in his views, and a foe to theological intolerance. Ministers of all shades of belief officiated in turn at the Sunday services held in the asylum.

Dr. Earle became early a member of our Association, and was one of those consulted at its formation, in 1865, by his friends of the Massachusetts Board of State Charities, before issuing their call for its first meeting in that year. He did not often attend our meetings ; but he presided at an important sectional meeting in Saratoga in 1886, when several of the specialists in his department met, in conjunction with our Association, to consider an improved form of statistical inquiry concerning the insane. He was also much interested in the National Conference of Charities, which grew out of our Association ; and at its first separate meeting at Chicago, in 1879, he read one of the most valuable essays on the relation of the State to the insane which has ever been printed in America. This essay has had more influence in modifying erroneous and traditional notions in respect to buildings for the insane than any recent publication ; and the majority of our public men now appear to have adopted, at least in theory, the views then advanced by Dr. Earle. He was the real originator, although the present writer and his associates on the State Board of Lunacy Commissioners in Massachusetts were the promulgators, of the new form of statistical inquiry, which in Massachusetts has developed, for the first time, certain facts of great importance in regard to the duration and curability of insanity in general, the mortality of the insane, the repetition of attacks,—and other information, without which no general conclusions can safely be drawn in regard to this subject so interesting to society.

Apart from his long and useful care of so many thousand insane patients, and his introduction of sound discipline into the asylums which he conducted, Dr. Earle's great work, and that by which he will be best known hereafter, was his demonstration (alluded to by Dr. Tuke) that insanity was by no means so curable as had been

fondly hoped, and often proclaimed, by physicians long associated with himself in their treatment of patients. The first suggestion of this demonstration, and the first sound statement respecting the curability of the insane, came from Dr. Thurnam, of the York Retreat; but it was left for Dr. Earle, amidst much credulity and opposition from men who should have accepted and supported his honest communications, to prove to the world that the old figures of recovery were useless, and that the profession must take a new departure, and put forth very different proposals, if it still wished to be believed by the trusting public. So many years have passed since the controversy on this subject sprang up, and so completely have Dr. Earle's conclusions, in the main, been accepted, that no doubt many persons suppose the medical profession was always on the right track in this matter. But the contrary, to a mortifying degree, and to the great economic injury and delusion of the public, was the fact. Without pursuing this subject farther or raising the spectres of half-forgotten disputes, I may be permitted to reprint here from the columns of a newspaper what I wrote soon after the death of my ancient friend, our illustrious associate:—

#### THE LATE DR. EARLE.

##### *To the Editor of the Boston Advertiser:*

The tributes to Dr. Earle's character and achievement have been ample and sincere; but something should be said of the relative rank which he held among his countrymen during the long life that has now so suddenly closed. It would be a mistake to class him simply with those specialists with whom he has been associated for more than half a century, and to compare him with individuals such as Dr. Ray, Dr. Butler, Dr. Bell, and Dr. Kirkbride. In some respects these accomplished men equalled or surpassed Dr. Earle; but his distinction, like that of Charles Sumner, of Horace Mann, of Dr. Howe, and some others of the remarkable group of New England men to which he belonged, was this,—that he early saw and studiously followed, both with theory and practice, the real situation concerning the subject to which he devoted his great special attainments. I think it will be difficult to find in the copious writings of Dr. Earle any encouragement for those delusions that have from time to time prevailed respecting the disease of insanity, its curability, its treatment, and the relation of the public thereto. He had qualified himself by residence and observation in Europe, about the time that Sumner was doing the same thing, to understand from the wider experience which Europe then furnished what would be the future exigencies of America in his own specialty. I have always regarded these years of study and travel as

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fitting him, above all his contemporaries, to take a broad and safe view of a subject then very imperfectly known in the United States; and when this led him in later years, against the tradition of his professional associates, to declare that insanity was among the least curable of human ailments, instead of being, as enthusiasts had declared, easily curable, he had a foundation of observation and reading which made him quite indifferent to the early outcry made against his unacceptable demonstration, by learned specialists who had not themselves investigated rationally and thoroughly.

So, too, with regard to the form of establishment in which insanity can best be treated. Dr. Earle never fell into that convenient error of his associates, which led them to maintain that insane persons can be cared for properly in huge caravansaries, where all individuality is lost, and where medical skill and moral treatment become equally unavailing, since they are neutralized by the unfavorable influences, material, mental, and spiritual, which inevitably occur in these great aggregations of morbid humanity, subjected to mechanical management, and deprived of those natural conditions of human society which have so much to do with the restoration of alienated minds. He resisted, at the risk of much censure from those whose opinion he valued, the erection in Massachusetts of palace-hospitals like that in Danvers; and he never gave the weight of his support to the unwise scheme now under consideration, of herding the insane poor in overgrown asylums, like that proposed at Medfield. On the contrary, he advocated small asylums, individual care, and — although he came slowly to this last opinion — the reception of the chronic insane into private families, instead of sending them to the almshouses or the asylum prisons.

No one will now question that Dr. Earle had mastered the literature of insanity more completely than any American who has written on that subject. He began his researches before he graduated, and he continued them almost to the day of his death. His last contribution to this literature was an article on the curability of the insane, furnished by him in 1891 to Dr. Tuke's Dictionary of Psychological Medicine, of which he showed me the proof-sheets when I last visited him in March, 1892. He had made arrangements for the publication by his executors of some portion of his writings; and it cannot be doubted that these will be an important part of what America has contributed to a knowledge of insanity. With the later inquiries into the morbid pathology of the brain he had little to do, and perhaps did not attach to them all the value they deserved. But no man was more ready than he to accept what was demonstrated; and few scientific men had so little of that engrossing spirit which leads them to claim for themselves the merit of discoveries and the monopoly of authority. His early training and consistent practice in the peaceful and modest tenets of the Society of Friends no doubt guarded him against some vain controversies, some immoderate ambitions. He followed humbly and sacredly the Inner Light, with very little



desire to set up his own enlightenment as the limit for all other persons. Few persons of my acquaintance leave a more enviable reputation.

It will at once be seen how invaluable in the field of Social Science were the long labors of our late associate. He began them at a time when the name of Social Science was almost unknown, and its methods existed but here and there, in the practical work of men like himself, endowed by nature with a power of bringing the results of observation to the support of general principles, without tying himself to a tradition or to his own pre-supposition. He continued them calmly, and followed where experience led him,—no matter who might favor or who oppose his conclusions,—preferring, such was his kindly social nature, to be sustained by the approval of his comrades,—yet quite ready to accept the usual reward of original thought,—bestowed freely since the world began,—contradiction and aspersion at first, and silent adhesion afterward. Such men, each in his specialty, are the masters in our comprehensive circle of sciences, adding each no great thing, perhaps, to what was known before,—yet just that something which was indispensable, and at the very point of time when it was needed. By their accretions the structure of civilization is built up, even as the coral-builders add each his part to the common edifice, and then die, that others may profit by the patient toil in which their own days have been silently consumed.

F. B. S.

CONCORD, MASS., Aug. 10, 1892.

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#### A LIST OF DR. EARLE'S PRINTED BOOKS AND PAPERS.

- (I.) (1841) *A Visit to Thirteen Asylums for the Insane in Europe.* (Visits made in 1837, 1838, 1839, and in 1840.) (Philadelphia: J. Dobson. pp. 144.)
- (II.) (1848) *History, Description, and Statistics of the Bloomingdale Asylum for the Insane.* (New York: Egbert, Hovey & King. pp. 136.)
- (III.) (1848) *Four Annual Reports of the Bloomingdale Asylum* (1845, 1846, 1847, 1848, all for the years preceding). (pp. 55, 48, 32, 28.)
- (IV.) (1853) *Institutions for the Insane in Prussia, Austria, and Germany.* (Visits made in 1848, 1849.) (Utica: New York Asylum, Printers. pp. 229.)

- (V.) (1853) *European Institutions for Idiots*. (New York: Wm. Saunderson Printer. pp. 22.)
- (VI.) (1854) *The Practice of Blood-letting in Mental Disorders*. (New York: S. S. & William Wood. pp. 126.)
- (VII.) (1857) *Medical Opinion in the Parish Will Case*. (pp. 50.)
- (VIII.) (1862) *Chapter on Insanity in United States Census: Quarto Volume, for 1860*. (Printed by the Government Printers.)
- (IX.) (1864-85) *Reports of the State Lunatic Hospital at Northampton, Mass.* (Printed by the State Printers at Boston. Pp. nearly 2,000 in all.)
- (X.) (1877) *The Curability of Insanity*. (First Form of this Work in a Pamphlet issued by the New England Psychological Society. Boston.)
- (XI.) (1879) *The Management of the Insane in the American States*. (Proceedings of the Sixth Annual Conference of Charities at Chicago, June, 1879, pp. 42-59.) (Boston: A. Williams & Co.)
- (XII.) (1887) *The Curability of Insanity: A Series of Studies*. (Philadelphia: J. B. Lippincott Company. pp. 232.)
- (XIII.) (1838-92) An incomplete list of Dr. Earle's contributions to Reviews, Annuals, Dictionaries, etc., follows:—
1838. *Insanity: Its Causes, Duration, Termination, and Moral Treatment*. (Part of his Medical Thesis of 1837.)
1840. *The Climate, Population, Diseases, etc., of Malta*.
1840. *Medical Institutions, Diseases, etc., at Athens and Constantinople*.
1841. *The Royal College of Physicians and Surgeons in London*.
- 1842-45. *Observations on the Rapidity of the Pulse of the Insane*.
1843. *The Curability of Insanity*. (First Paper.)
1845. *The Inability to distinguish Colors*.
1845. *Experiments with Conium Maculatum*.
1847. *Cases of Paralysis peculiar to the Insane*.
- 1849-57. *Cases of Partial-General Paralysis, or Paralysis of the Insane*.
- 1840-42. *Reviews of Sir William Ellis, of Dr. F. Leuret, of the Statistics of the York Retreat, of Eleven Hospitals*.
- 1843-44. *Reviews of Reports of Twenty-five American Hospitals, of the Retreat near Leeds, and the Bridewell and Bethlehem Hospitals in England*.
1845. *Reviews of the Reports of Twenty American Hospitals and Eight English Hospitals*.
1846. *Indian Hemp and Mental Alienation*. (Review of J. Moreau.)
1846. *Reviews of Reports of English Lunacy Commission and of Fifteen American Hospitals*.
- 1844-47. *The Poetry of Insanity, Contributions to the Pathology of Insanity, Cases and a Leaf from the Annals of Insanity*.
1847. *Reviews of Reports of Nineteen American Hospitals*.
1848. *Reviews of Reports of Eighteen American Hospitals*.
1851. *The Insane at Gheel*.
1852. *The Lunatic Hospital at Havana*.
- 1849-52. *Reviews of the Reports of Twenty-six American Hospitals*.

- 1853-55. *Reviews of the Reports of Forty American Hospitals.*
- 1856. *Reviews and Report of Twenty-three American Hospitals.*
- 1856. *Insanity and Idiocy in Massachusetts.*
- 1857. *New American Institutions for the Insane.*
- 1857. *Reviews of the Reports of Twenty-five American Hospitals.*
- 1858. *Reviews of the Reports of Twenty-eight American Hospitals.*
- 1859. *Reviews of the Reports of Thirty-four American Hospitals.*
- 1860. *Reviews of the Reports of Thirty-three American Hospitals.*
- 1861. *Reviews of the Reports of Fifteen American Hospitals.*
- 1862. *Reviews of the Reports of Thirty-six American Hospitals.*
- 1863. *Hospitals in British America.*
- 1863. *Reviews of the Reports of Ten American Hospitals.*
- 1864. *Reviews of the Reports of Thirty-nine American Hospitals.*
- 1865. *Reviews of the Reports of Thirty-six American Hospitals.*
- 1866. *Reviews of the Reports of Thirty-five American Hospitals.*
- 1867. *Reviews of the Reports of Thirty-three American Hospitals.*
- 1867. *History and Description of the Northampton Lunatic Hospital.*
- 1867. *Psychopathic Hospital of the Future.*
- 1868. *Psychologic Medicine in the Medical Curriculum.*
- 1868. *Prospective Provision for the Insane.*
- 1868. *Reviews of the Reports of Twenty American Hospitals.*
- 1869. *Reviews of the Reports of Fifteen American Hospitals.*

In addition to these articles, Dr. Earle published in 1846 a review of *Esquirol on Mental Diseases*, in a New York periodical; a *History of Insane Hospitals in the United States*, the first paper read before the New York Academy of Medicine, and published in its records; in 1863 an article in the American Almanac, on *Insanity*; in 1881 an article on the *Curability of the Insane* in the Proceedings of the Conference of Charities; and in 1892 a long article on the same subject in Dr. D. H. Tuke's *Dictionary of Psychological Medicine*, published in London two months after Dr. Earle's death. In our *Journal of Social Science* he published in 1889 his paper on *Popular Fallacies concerning the Insane*. In his early days he had written copiously for the literary and daily journals, and contributed in 1837, 1838, 1839, many letters to the *Worcester Spy*, describing his journeys about Europe, which will be used in his memoirs, to be issued in 1893. He published a volume of poems in 1841, and in 1889 a full and valuable Genealogy of the Earle Family.

## I. SUMMER CAMPS FOR BOYS.

BY W. T. TALBOT, M.D., OF BOSTON.

What shall the boys do during the long vacation? Where shall they go, and how best care for them? The question has presented itself to many an anxious parent who realizes all too helplessly the increase in nerve tension, the pallor and languor of a naturally healthy son, but does not appreciate or cannot remedy the complex cause of the altered conditions,—long indoor confinement, late hours, smoking, hurried eating, and the deadening mechanism of ordinary school life. The full appreciation of the difficulties and dangers in the life of an only son, particularly, may have come to the thoughtful parent; but what is to be done for him? A boarding-school is not invariably the remedy. Too often it may be the cause of these very evils. The well-meaning but wilful and thoughtful lad, the selfish, the awkward, the lazy, or the timid, are oftentimes trials to parents, who are at their wits' ends to know what is to be done for them. The ever-lengthening vacation period does not lessen the difficulties of the problem, and the summer camp well may offer a timely solution.

Not that spot, pictured in the mind of the old camper, where the trout are plenty and black flies as endurable as rainy weather and bad cooking, but a happy settlement in permanent shanties, well located, systematically organized, and carried forward with high ideals and much energy. It is in such a camp that the boy weary with brain-fagging examinations, and the boy of superfluous, mischief-making energy, alike may receive the care and the attention necessary, and find room each to expand and amplify as best suits his individual needs.

Within fifteen years a number of camps for boys have been begun and carried on, all which have done much good work, all open at many points to severe criticism, and almost all improving with yearly experience and trial. Different conceptions have evolved different methods. There is the backwoods camp where the boys go barefoot, cook their own food, rise and retire late, swim and read at will; the opposite extreme, where military discipline is the main order of the day and individuality is discouraged;

the summer school, wrongly called a camp, where study is the prime object; and, last, the camp (of which there may be many, but should be more) which combines the best qualities of each. To describe the camps already in existence would be uninteresting: it is already a more than twice-told tale. The object of this paper is not to compare their values as educational factors, but to indicate certain lines of thought which have been suggested by personal experience, and to sketch the possibilities of a summer camp.

Camp life is capable of being made an important educational factor in the life of young Americans. It is destined, with many boys and especially those belonging to the class of natural leaders, to supplement in an important degree the work not only of the school, but also that of the family. The subtle charm of beautiful, natural surroundings will help in a marvellous degree to bring out the truest and best side of the boyish nature. It is not easy to indulge in low thoughts or deeds when one lives on the crest of a beautiful hill, overlooking a glorious panorama of mountain, lake, and wood-clad islands, and with the great sun casting light and color and fleeting shadow over the scene. It is there that one may come closer to a true conception of a boy's real character than elsewhere, and find a rare opportunity to extend the helping hand or make the right suggestion at a time most opportune. From *reveil* in the morning until the bugle sounds a sweet good-night there is nothing here in the environment which tends to degrade or retard awakening manhood. Add to the influence of nature the aid of a number of young men — independent, sympathetic, manly, and energetic — who are willing to work with and for the boys whose inspiration they should be, suggestive and helpful in daily duty and pleasure as well, — and two elements are supplied which will go far to make the camp a success.

The question will be asked, What is this camp life? Ten weeks of life in the woods would mean much discomfort, were not buildings provided rain-proof and airy, cool in warm weather, but warm when cold nights make blankets and a fire almost indispensable. The tent idea is more picturesque than advisable. The dormitory plan fosters a healthful democracy of feeling, and a pride in neatness and order. A matter of no little importance is a **wrong** habit of breathing at night, which must be corrected, or life will be made unhappy for the disturber of the public peace.

One of the chief lessons to be learned from the camp routine is

that the fault of one is felt by all, and that neglected duties must be done by some one. The work of a large camp is great, but the daily task of each member is small; and where each accomplishes his little labor faithfully and well, all goes smoothly. The galley boy, who pares the potatoes and shells the peas, is no lower down in the social scale than others; for to-morrow he exchanges duties with the more aristocratic post-boy. If the kitchen boy, who wipes the dishes, is not well served at dinner, woe betide the one at fault; for to-morrow as table boy his will be the power to revenge. Turn and turn alike the work is done, and the shirk is made to regret his laziness in due season.

The policy of life in a permanent camp is to economize labor by simplicity of method. The tin dish, therefore, yields to the time-saving and cleanly stone-china ware, and spruce boughs to the light woven-wire cot. The mainspring of life being food, the commissariat requires at once time and attention. Fresh vegetables and milk in abundance, good meats and bread, are a *sine qua non* with growing boys. Then, having provided good material, it is requisite, from the standpoint of health, enjoyment, and finance, that a professional cook be employed to make economical luxury possible. Let not wonder be excited if his magic transformations require the aid of that wonderful "Aladdin Oven," whose inventor is so well known in this Association.

A happy, healthful life being the desideratum, a habit of promptness at meal and bed time is taken for granted. Tardiness under any circumstances is a dire offence against the laws of decent living, and solitary meditation on some big, flat rock, where one is exposed to the good-natured jeers and flouts of scoffers who dine, is the deserved reward of the tardy boy, and almost the only punishment ever required in such a camp.

It is a pity for intelligent boys to pass a summer in mental idleness, as many do; and although every day useful information is in great measure absorbed unconsciously, and the whole camp-life becomes a training of mind as well as body, yet some systematic and appropriate brain-work seems desirable. The morning duties well finished, there are a couple of hours before the swim, when minds are brightest and study a pleasure. It is then that the zoölogist and botanist best may reveal the treasures of their knowledge, and the earth-student tell the ever interesting story of the days when the world was young. The astronomer finds his best lecture-desk by the camp-fire in the evening.

Two hours of mental concentration is enough; and, although the subjects are interesting, the daily swim may be even more attractive. A swim it is, and not a bath. All are proficient in the art, through very shame; for, until a boy has swam the two hundred required yards,—the “distance,”—he is allowed to use none of the boats. Not until he can swim a half-mile, without overmuch fatigue, is he permitted freedom with the oar. After that he is master of the lake, and may explore it almost at will. Three minutes of bathing are, if anything, too long; but thirty minutes of swimming are beneficial, if done according to the camp rules. Before the Emperor Trajan an old gladiator was brought, hearty, strong, and well, though over six-score years of age. When questioned regarding the reason for his vigor, he ascribed his remarkable physical career to a use of water within and oil without. It is certainly true that by a daily anointing with olive oil, well rubbed in, the skin is kept in excellent condition; and, when applied just prior to the morning swim, this usually prevents all harm from a prolonged stay in the water, and thus enables one to gain all the advantage possible from that finest of all exercises, by removing the chance of ill effects, cramps, languor, heart-exhaustion, and headache, which completely spoil the sport and render it an injury to many.

The vigorous exercise and the enjoyment of the water, in common with others, aided by the unavoidable climb of the hill up to the camp, make the mess-bugle for dinner the most welcome sound of the day. The hearty, simple, appetizing meal is made yet more enjoyable by a quiet half-hour following; and then the afternoon opens with its possibilities of ball, tennis, “paper chases,” varied forms of track-athletics, rowing in the four-oared barges or the boats, and walking-trips to places of interest within a five-mile radius. Then supper, and the day is nearly done. The sunset gun is the signal for lowering the stars and stripes, which have been floating above all the day,—a silent teacher of Duty, Patriotism, and Right; and then the lantern is raised, which for miles around will cast its light and greet the watching eyes of many, assuring them of the protection that a body of right-minded men will always yield. The camp fire is soon aglow; and, as the showers of sparks arise from birch and pine, story and song will bring the camp together, and unconsciously knit more strongly the growing friendships, until all shall most deeply feel the tie of unity in life. So the day passes.

Tattoo arouses the drowsy to their duties ; a five minutes' active dumb-bell drill drives the blood from the tired head and induces sleep, the short but earnest prayer for the night is said, and at old curfew time "taps" brings the day to a satisfying close.

The hygienic care of a camp demands unremitting watchfulness and the co-operation of every member. A bit of paper left on the ground, although a little thing in itself, is demoralizing, and suggests disorder, which is very easily indulged in, and which will mar that perfection of physical well-being at which we aim. The sanitary arrangements and the disposal of sewage and débris offer questions for serious and efficient consideration. All refuse matter should be burned or removed from the camp neighborhood every evening.

Too much emphasis can scarcely be laid on the benefit of routine method in the debt of daily duty which each man owes to himself. If the habit be made universal and invariable, it becomes easy to rise in the early mornings of summer promptly, as soon as the eyes are open, and at the first sound of the bugle take the light, wooden dumb-bells in hand, and all in rhythm go through an active awakening and invigorating series of breathing exercises, and other muscular movements for five minutes,—no more and no less,—with no cessation or interruptions. Then out of doors, no matter what the weather,—brush the teeth, and wash the face, neck, hands, arms, chest, and back, with cold water. A vigorous rubbing, and the hurry necessary to dress and fold smoothly the blankets which have been airing thoroughly during the half-hour before breakfast, start the circulation in a way that nothing else will, and bring every one to the table eager for breakfast, with a light heart and cheery face. Nor should less stress be laid on the early bed-hour (never later than nine o'clock), when all will be ready for sleep if the work and play of the day have been conscientiously done.

The physical results of this life are surprising to one who has not watched them from year to year. Taking boys from thirteen to eighteen or nineteen years of age, the increase in weight, height, and general muscular development during ten weeks in camp may safely be stated as twofold that of any other like period in the boys' life. The rounded backs straighten, the chest expands enough to do its work, the irritable nerves are soothed and gain tone, digestion becomes an unconscious pleasure (because unnoticed), and sleep the best refreshment, because timely, sufficient, and necessary.



As a consequence, general health improves, to the lasting benefit of the boy.

The physical side of the boy's life in camp is a matter which it is easy to order properly when the other and more difficult problems in the care of boys are brought to mind. Without experience with children of ignorance, poverty, or crime, and in the belief that a camp life, under almost any circumstances, would be undesirable and demoralizing for them, it would be a waste of time to theorize thereon; but given a mixed class of boys, all standing on a common footing, not of wealth, but of opportunity, many questions arise regarding their mental and moral development. The nervous child, suffering from too much parental affection,—or criticism,—is not to be treated like a boy who is growing up one of many, under little or no home discipline. The boy of earnest, good intention and endeavor needs a very different rein from the boy who, careless of result, tramples and charges wherever and whensoever he wills. No one can accomplish the best results with any boy who has not the double grip upon him of affection based upon thorough respect; and to gain the respect of a boy depends largely upon perfect honesty and openness of thought and word, backed up by action. Perhaps no one can realize more keenly the pressing need of the man who is to act as friend, guide, and leader to boys than he who has lived and worked intimately with them. No school can provide the experience which this daily intercourse is bound to give. Honesty, courage, industry, foresight, and common sense, generosity and self-forgetfulness, patience, courtesy and thoughtfulness toward others,—indeed, all the qualities which go to make up the Christian gentleman,—are needed by the leader of a camp and his helpers. As he possesses a greater or less store of these best traits of character, so will the camp attain success. Not the least among the duties of such a man are his relations to the parents of his boys; and it is here that he will be compelled to cultivate a courteous tact, based on sincerity and good will. With him is the opportunity to make lasting impressions, for good or for evil, upon the plastic minds of young men, who later may have it in their power to harm or to benefit thousands of their fellow-men. The turning-point of a boy's life is during these critical years before he goes to college,—not later, as a rule. As a boy's training is before his college years, so is his life apt to be while there; and it is at this period that many a boy, under the fire of domestic criticism from parents, sisters, brothers,

and all the family, feels that he has no friend in the world, becomes a rebel at heart. And what line is open to him then but opposition and consequent harm? These are the lonely, the difficult, the dangerous years, when the awakening ardor of possible manhood meets no encouragement or response from those who should be natural sympathizers, but who are engrossed with the cares of business or wrapped up in household doings or social claims.

*Esprit de corps*, fostered by uniformity in dress, by the duties, walks, games, and other doings in common, and especially by the evening gathering about the camp-fire, are strong helps to a right mode of living. Much reliance is rightfully placed on the influence of boys who, having been in the camp before, realize to the full what its ideals are. They will permit no indecency of speech or action, as experience has shown.

If the individuality of the boy be recognized, half the battle is won. If it be seen that a boy is a reasonable being, victory is assured. There is seldom, probably never, a boy to whom, under fitting conditions, an appeal to reason and thoughtful consideration is not of most weighty effect. No boy cares to be thought lacking in ordinary intelligence; and, if matters be put before him in a friendly way, so that he is compelled to *think*, there need be little fear of a wrong deed. To attempt to drive a boy is to injure his character, and punishment with the ordinary boy is seldom desirable or necessary. Ridicule, always good-natured, is a powerful weapon. It will often take the place of punishment, and accomplish its end more swiftly and thoroughly. Ill-natured sarcasm is a dangerous boomerang. It is as needful to be courteous to the boy as to the man; and it is sometimes forgotten that there is never a time when it may rightly be said to the youth, "To-day you are a boy, to-morrow you will be a man." Manhood is the development of each boyish sentiment, thought, and action. Again, what is the battle of life but a shouldering of responsibility? and what better may be done for a boy than, amid proper surroundings and with high aims before him, to suffer him little by little to endure and to account for the accomplishment of definite undertakings?

One other point in the bringing out of a boy's best side is the potent influence of a smile. Frown at the delinquent, and his spirit will rise in opposition, his face will reflect his mental attitude. Smile not *at* him, but *with* him, and mark the change, in-

stantaneous and complete. His surrender is full. He has shown his better side, and is at your mercy.

Results would seem to show that no boy, however fortunately placed at home, can fail to derive benefit from the give-and-take of this free life, and from the wider horizon that is opened to him amid forests and streams. Truest ideals, fresh from nature's press, lie before his eyes to read and mark in storm and sunshine, in lapping waves and rustling breeze, in sunset glow, and in the depths of the deepest starlit heavens.

## 2. THE NEW YORK CITY HEALTH DEPARTMENT.

PREPARED BY CHARLES G. WILSON, PRESIDENT, AND READ BY  
CYRUS EDSON, M.D., CHIEF INSPECTOR.

[Friday, Sept. 4, 1891.]

At the last meeting of this society, in 1890, its President, Mr. Andrew D. White, presented a paper entitled "The Government of Cities," in which he severely criticised the Health Department of the city of New York. Mr. White's premises were well taken, but they were based upon facts and conditions that occurred and existed over twenty years ago. To draw conclusions from such premises in this age of progress, Mr. White himself must admit to be scarcely fair. We do not believe, however, that Mr. White intended to attack the present organization of our Department; and, therefore, we do not enter the lists against so able an opponent. It is the purpose of this paper to describe the organization and work of our Health Department to-day, in order that it may stand contrasted with the one that existed more than twenty years ago, and was so eloquently attacked by the distinguished critic.

Under the provisions of the New York Consolidation Act, the organization of the Health Department of the city is divided into two bureaus; namely, the Sanitary Bureau and the Bureau of Records. The Sanitary Bureau is under the charge of William A. Ewing, M.D., Sanitary Superintendent, who, as its chief executive officer, is charged with the general supervision of the sanitary work of the Department, the enforcement of the provisions of the several sections of the Sanitary Code, and the laws and ordinances relating to tenement and lodging houses, and generally of the laws of the State relating to the Health Department of New York City. This bureau is divided into four divisions, as follows:—

First, the Division of Contagious Diseases and Special Medical Sanitary Inspections.

Second, the Division of General and Special Sanitary Inspection.

Third, the Division of Plumbing and Ventilation.

Fourth, the Division of Offensive Trades and Food Inspection.

The Division of Contagious Diseases comprises :—

The Inspectors of Contagious Diseases (Diagnosticians);

The Inspector of Schools and Institutions for Children;

The Corps of Medical Sanitary Inspectors;

The Vaccinating Corps;

The Summer Medical Corps;

The Disinfecting Corps; and

The Veterinarian.

The work of these several officials will be described in the order given.

#### *The Inspectors of Contagious Diseases.*

Three physicians, whose abilities and experience qualify them specially for the duty, examine and pass upon the cases of contagious diseases that are sent to the hospitals of the Health Department for care and treatment. Two of these Inspectors serve every twelve hours alternately, and visit, while on duty, all cases reported for hospital treatment situated in that part of the city south of One Hundred and Twenty-fifth Street. The cases that occur in the city north of this boundary are referred to the third Inspector. A comparatively few cases necessitating hospital treatment occur in the latter district. This Inspector is consequently on duty at all times, and, in addition, acts as Medical Sanitary Inspector for part of the Twenty-third and Twenty-fourth Wards.

The services of the Inspectors have been found very necessary, in order to prevent the removal to the Contagious Disease Hospitals of persons who are afflicted with non-contagious ailments simulating contagious diseases.

The following table shows in detail the work of the Division of Contagious Diseases performed during 1890:—

Total number of cases of diseases examined . . . . .	1,418
Total number of cases of contagious diseases ordered to hospitals of the department . . . . .	759
Total number of bodies dead from contagious diseases ordered to Reception Hospital for interment at Hart's Island . . . . .	9

#### *Inspector of Schools and Institutions for Children.*

This Inspector has in charge all sanitary matters relating to schools and institutions for children. He makes daily inspections of these, reporting the unsanitary conditions that are found. The

contagious diseases occurring in them receive particular attention. Investigation of the causes of such outbreaks is carefully made, and isolation of children sick with contagious disease is supervised by him. He examines the monthly reports made in accordance with Chapter 633, Laws of 1886, by resident physicians in charge of institutions for children, and supervises the enforcement of the provisions of that act. During the summer he also has charge of the summer corps of physicians, and from time to time has been detailed to perform other important sanitary duty not connected with this division.

#### *Medical Sanitary Inspectors.*

The efforts of these physicians are directed toward preventing and suppressing contagious and other so-called preventable diseases by removal of conditions that favor their development and spread. An ordinance of the Sanitary Code compels physicians to report to the Health Department all cases of contagious or infectious diseases that are seen and diagnosed by them during the preceding twenty-four hours. When the report of such a case is received, it is referred to the Medical Sanitary Inspector in whose district it has occurred.

Eleven such Inspectors have in charge as many districts into which the city has been divided. Each of these inspectors visits the houses in which the cases referred to him exist, and carefully inspects the plumbing, ventilation, and other surroundings that have a recognized hygienic bearing upon the disease, or upon the health of the occupants. Unsanitary conditions found are reported by him through his superiors to the Board of Health, and are removed by order of the latter, served on the owner or one who is responsible. The private physicians in attendance on cases of contagious diseases are held accountable for the maintenance of proper isolation. If this cannot be secured, or the patient is too poor to employ the services of a physician, or if it is desired by the patient, his parents, or guardians, the case is removed to one of the hospitals of the Department.

When a case of contagious disease is found in an apartment where business of any kind is conducted, it is at once removed to one of the department hospitals or to a place where isolation can be safely secured, or the business is stopped until the case has terminated and disinfection has been thoroughly performed. Chil-

dren exposed to contagious diseases are excluded from the schools they are attending, public or private. The following is the form of notification sent to principals of schools by the Medical Sanitary Inspector:—

HEALTH DEPARTMENT—DIVISION OF CONTAGIOUS DISEASES,  
No. 309 MULBERRY STREET, NEW YORK, 1890.

The attendance at your school of the following-named children who are in contact with contagion of                      exposes your other scholars to danger. The law is (Section 150) that no parent, master, or custodian of any child or minor (having power and authority to prevent) shall permit any such child or minor to be unnecessarily exposed, or to needlessly expose any other person to the taking, or to the infection, of any contagious disease.

Respectfully,

CYRUS EDSON, M.D.,  
*Chief Inspector.*

Reported by N. N., Inspector.

This form is on the back of a postal-card, and is mailed as soon as possible after seeing the children or ascertaining their names. The rules governing the exclusion of children from schools on account of exposure to contagious diseases, and enforced by the Medical Sanitary Inspectors, are those adopted by the Board of Education. When a case of contagious disease is found in a building part of which is used for a school, the alternative of permitting removal of the case to a hospital of the Department or of closing the school until the disease has terminated is offered those in charge. In either event, thorough disinfection is performed as soon as conditions permit it. The work of the Sanitary Inspectors is directed also towards preventing the spread of tubercular diseases. To this end a list of persons who die from these diseases is furnished this division daily by the Registrar of Vital Statistics. These cases are distributed among the Inspectors in the same manner as are the cases of contagious diseases. The Inspectors visit the cases and make the inspection of the houses in which they exist, as previously described.

The facts obtained by the following questions of the Sanitary Inspectors indicate the line upon which investigation of tuberculosis cases is made:—

1. Name, age, occupation, nationality. Time of residence in New York City.
2. Exciting causes. Direct and continued exposure.
3. Predisposing causes. Give any evidences of hereditary pre-

disposition. State if deceased have had any previous attack of pulmonary disease, pleurisy, pneumonia, etc.

4. Manner of living.
5. Cleanliness, overcrowding, etc.
6. Condition of premises.
7. Source of milk supply. Give name of New York retailer.

Deaths from malarial fevers are also investigated by the Sanitary Inspectors for the purpose of discovering and removing conditions that may have acted as direct or indirect causes of the disease. Their duties also necessitate visits to physicians and undertakers, in order to effect the observance of the several sections of the Sanitary Code governing their action in the case of contagious or infectious disease.

#### *The Vaccinating Corps.*

The Vaccinating Corps was organized under an act passed in 1874. A permanent corps of eight physicians is employed for gratuitous vaccination. One of these physicians has charge of the laboratory for the propagation of vaccine virus, situated at No. 326 East Forty-fourth Street. In the spring and fall of each year additional physicians are appointed for temporary service on the Vaccinating Corps. The city is divided into as many districts as is found necessary to effectively perform vaccination, and a vaccinator is allotted to each. One or two of these men, as circumstances may require, are detailed to vaccinate persons who request it at the office of this division. It is very remarkable that not a single case of small-pox occurred in the city, from contagion acquired there, since June 14, 1889. This must be ascribed largely to the thoroughness with which the people have been vaccinated. In the city of New York the following table, compiled from the records of the Health Department, shows the death-rate from small-pox 1869-1888, inclusive : —



*Deaths from Small-pox, 1869-1890.*

YEAR.	DEATHS.	POPULATION.	RATE PER 100,000.	YEAR.	DEATHS.	POPULATION.	RATE PER 100,000.
1869	203	927,723	21.90	1880	31	1,206,299	2.57
1870	805	942,292	31.08	1881	453	1,242,533	33.30
1871	305	954,636	24.32	1882	259	1,279,560	20.34
1872	929	967,142	96.16	1883	12	1,317,691	0.91
1873	117	979,211	11.94	1884	0	1,356,953	0.00
1874	414	992,646	41.75	1885	26	1,397,395	1.86
1875	1,280	1,041,386	122.35	1886	31	1,439,037	2.15
1876	315	1,072,934	29.36	1887	99	1,481,720	6.68
1877	14	1,104,907	1.27	1888	81	1,526,081	5.31
1878	2	1,137,833	0.15	1889	1	—	—
1879	25	1,171,740	2.13	1890	0	—	—

The result of the work of the Vaccinating Corps did not become apparent until 1876. The death-rate from small-pox previous to 1876 was 59.57 per 100,000. Since that year it has been only 8.38 per 100,000.

*Cost of Vaccinations, 1886-1890.*

YEARS . . . . .	1886.	1887.	1888.	1889.	1890.
Cash received for virus . . . .	\$1,549.38	\$2,239.36	\$2,791.06	\$2,459.22	\$1,622.51
Salaries, regular vaccinators . .	\$9,449.19	\$10,650.00	\$12,733.79	\$10,599.92	\$11,043.35
Salaries, temporary vaccinators .	6,202.07	10,292.46	4,008.80	3,987.21	3,523.46
Total salaries . . . . .	\$15,651.26	\$20,942.46	\$16,742.59	\$14,587.13	\$14,566.71
Cost of calves and cattle . . . .	\$2,444.74	\$2,637.68	\$2,621.00	\$2,925.00	1,857.00
Cost of feed . . . . .	537.05	574.61	476.95	368.60	264.00
Other supplies . . . . .	554.71	941.85	1,029.78	1,033.86	799.85
Total cost of supplies . . . . .	\$3,536.50	\$4,154.14	\$4,127.73	\$4,327.46	\$2,920.85
Number of vaccinations . . . .	51,849	89,270	83,063	74,542	92,047
Cost of each vaccination . . . .	\$0.34+	\$0.25½+	\$0.21¾	\$0.22+	\$0.17+

The vaccine virus used is produced by a branch of the Department known as the Vaccine Laboratory; and all surplus virus is sold to applicants from this and other cities at a fixed price, the proceeds being turned into the City Treasury, to be used in paying the salaries of the Temporary Inspectors of Vaccination. In the case of primary vaccinations, strict supervision is made of the work. Each Inspector is required to report his primary vaccinations, and the persons so vaccinated are visited by another Inspector of Vaccination, whose duty it is to report whether or not they were successfully done.

All vaccine virus of the Health Department of New York is produced from carefully selected heifers or young cows inoculated with the best virus obtainable. Each animal is examined by the Department Veterinarian, and only those that show normal vesicles are utilized for charging points. The animals are kept under conditions of the most scrupulous cleanliness. The result of our efforts is the production of a large number (214,300) of points of virus per year that never cause any of the diseases alleged to have been the result of vaccination.

#### *Summer Medical Corps.*

The appointment of these Medical Inspectors (forty to fifty) is for the special duty of visiting and prescribing for the sick poor of the tenement-houses during the heated terms of the summer months of July and August. The portions of the city assigned to them are selected in those sections bordering on the east and west sides, where the population is most densely packed in the tenement-houses, and where the most ignorant and impoverished dwell. Through ignorance and neglect, here are found the sick, suffering children who swell the mortality records during this period of each year. Each inspector is charged with the duty of visiting the people of every domicile in each tenement-house in his district, inquiring for the sick, and, whenever they are without proper medical attendance, prescribing for them, and at the same time enforcing household sanitation wherever found necessary; distributing the circulars (printed in three languages) to each domicile, embodying the Board's directions for the care of infants and children.

These inspectors report to the Chief Inspector semi-weekly the houses and families visited and the kind of service performed. These reports are tabulated weekly and forwarded to the Board,

and the whole finally tabulated when the term of service has expired, and presented to the Board. The service is arduous and exhausting, but faithfully performed to the saving of many infants' lives that would otherwise perish from neglect, ignorance, and poverty. The tables of mortality of children under five years of age show a marked and rapid decrease in number soon after the work of this corps commenced, vividly illustrating its value in saving and protecting this infantile life during the most trying and exhausting season of the year.

Number of tenement-house visitations . . . . .	40,364
Number of families visited . . . . .	321,012
Number of sick treated . . . . .	20,449
Number of sick treated on boats of St. John's Guild . . . . .	445
Number of minor nuisances abated by personal effort . . . . .	5,413
Number of complaints of nuisances forwarded . . . . .	551
Number of circulars for care of infants distributed . . . . .	51,784
Number of tickets to the St. John's Guild excursions distributed . . . . .	16,027

### *The Disinfecting Corps.*

Twelve men do the work of this corps. The city is divided into eight districts for the purpose of disinfecting houses during and after the occurrence in them of contagious diseases. Each case of contagious disease is visited by the disinfecter in whose district it occurs. Disinfectants are left, and instructions how to use them given to the persons in charge of the case. A printed circular on the subject of disinfection is also given. After the termination of cases of contagious diseases infected rooms are fumigated by means of sulphur dioxide, generated in the manner recommended by the American Public Health Association. Two wagons are used by members of this corps,—one to carry and distribute disinfectants, the other to remove infected material to the disinfecting station, at the foot of East Sixteenth Street, for the purpose of disinfection by heat. At this place an elaborate apparatus has been erected, into which all infected articles can be put and disinfected with hot air or steam. A citizen desiring to have his house or rooms disinfected has only to write to this office requesting it. Then all such requests are complied with at the expense of the city.

During the summer, when street excavations are offensive, two men are detailed to disinfect them by means of bromine solutions, and to instruct contractors of subway constructions in the use of bromine for this purpose. These men also enforce the rule of the Board of Health compelling contractors to properly disinfect the offensive earth from trenches opened by them in the streets.

Four members of the Disinfecting Corps are detailed for ambulance service, in order to remove to the hospitals of the Department persons sick with contagious diseases. This service necessitates the constant employment of two men; consequently, the four are divided into two watches of two each. Each watch is on duty from eight A.M. until the same hour on the following day, and the two watches serve in regular rotation. During their hours of duty they remove to the hospital all cases ordered to be sent by the Inspectors of Contagious Diseases under the rules of the Board of Health. Two ambulances, two coupés, and four horses are used in this service. After the removal of the case disinfection is performed of the room from which the case was removed by one of the men effecting the removal. Immediately after leaving each case at the hospital, the ambulance man disinfects his vehicle and leaves the bedding and blankets used in it at the disinfecting station, replacing them with a set that have been previously disinfected.

#### *Work of the Veterinarian.*

The Veterinarian visits the slaughter-houses of the city daily, except Sundays and holidays, and inspects many animals before and after they are killed. He has also to inspect the stock-yards and the animals contained in them. The object of the work is to prevent the consumption of meat from animals that are sick at the time of slaughtering.

A section of the Sanitary Code compels persons who are called to treat cases of glanders or farcy to report them to the Health Department. A number of such reports were received during the year, and referred to the Veterinarian, who caused the destruction of fifty-nine horses afflicted with glanders, and the disinfection of the premises in which they were at the time of the disease.

#### *Contagious Diseases Reported and Referred to the Medical Sanitary Inspectors during the Year 1890.*

	Cases.
Typhus fever . . . . .	4
Typhoid fever . . . . .	1,100
Scarlet fever . . . . .	3,087
Measles . . . . .	9,544
Diphtheria . . . . .	4,350
Spinal meningitis . . . . .	133
Small-pox (contracted out of city) . . . . .	5
Varicella . . . . .	253
Leprosy . . . . .	4
Total . . . . .	18,477

*Diseases Other than the above Referred to Inspectors.*

Phthisis . . . . .	3,144
Tubercular meningitis . . . . .	270
Croup . . . . .	254
Malarial fever . . . . .	77
Dysentery . . . . .	61
Tabes Mesenterica . . . . .	12
Total . . . . .	<u>3,818</u>

*Work Performed by the Disinfecting Corps.*

Total number of visits to infected houses for purposes of disinfection and fumigation . . . . .	22,778
Total number of rooms fumigated after occurrence in them of contagious diseases . . . . .	29,055
Total number of infected and contagious rooms for which disinfectants have been distributed by disinfectors . . . . .	64,360
Total number of persons sick with contagious diseases removed to the hospitals of the Department . . . . .	751

*Sanitary Inspection.*

The several sections of the Sanitary Code are enforced by general orders of the Board, or in extreme cases by peremptory orders of the Sanitary Superintendent or his assistant, or by arrest through the medium of the Sanitary Police. For the purpose of special sanitary inspection the city is divided into twenty-five districts, one Inspector being detailed for work in each district. His duty consists in the investigation and the making of reports and recommendations to the Board, on citizens' complaints referred to him, and the frequent inspection and report upon special places which are likely to become dangerous to life or detrimental to health. Each Inspector is required to be thoroughly familiar with his district, and, when time is afforded, to make a general inspection of it, also forwarding as before, complaints of any sanitary defect he may discover. He also attends to all matters relating to the Division of Plumbing and Ventilation that occur in his district. (See Plumbing and Ventilation.) He is also required to reinspect premises upon which orders and requirements are made, to see that the same have been complied with. During 1890 the number of inspections and reinspections made by the Sanitary Inspectors was 39,202, resulting in 9,536 complaints and orders for the abatement of nuisances.

*Tenement-house Inspection.*

A tenement-house, under the statute, includes every building or portion thereof which is rented, leased, let, or hired out, to be occupied as a home or residence of three or more families, living in-

dependently and doing their cooking upon the premises, or by more than two families upon any floor so living and cooking, but having a common right in the halls, stairways, yards, water-closets, or some of them. Under the provisions of Chapter 84 and 288 of the Act of 1887, it became the duty of the Board of Health to inspect semi-annually all of this class of houses ; and, for the purpose of enforcing the provisions of these acts and the several sections of the Sanitary Code in relation thereto, the Board of Police have detailed to the service of the Board of Health one sergeant, one roundsman, and forty-three policemen (men of long experience in the Police Force of New York), who are known as the Sanitary Company of Police. For the purpose of this inspection the city is divided into thirty-one districts, and a Sanitary Policeman assigned to each, who is directed to make an inspection of each of the tenement-houses within his district at least twice in each year, the first inspection commencing in the early part of January and the second in August. Each officer is furnished with a memorandum book in which to enter the street and number of each house, date of inspection, and whether or not any cause for complaint was found. He is also instructed to secure, by personal direction, the abatement of all minor nuisances he may discover. Upon the event of failing to do so, he is to make a written complaint of the same, which is forwarded to the Board for an order. If the subject-matter indicates that he does not possess the technical knowledge to comprehend a nuisance existing or the remedy for it, then the report is referred to a Sanitary Inspector, who makes an investigation and returns a complaint, upon which an order is issued by the Board.

#### *Plumbing and Ventilation.*

This division is charged with the inspection of the plumbing and drainage of all new and reconstructed buildings, and of the light and ventilation of tenement-houses. For the purpose of inspection the city is divided into twenty-five districts (as mentioned), one Inspector being assigned to each district. Under the provisions of Chapter 908 of the Laws of 1867 as amended in 1879 and 1887, no tenement-house can be erected in New York until the plans for light and ventilation have been approved of by the Board of Health, nor can the plumbing and drainage (see Chapter 450, Act of 1881) of any building in the city be executed until the plans

have had the approval of this Department. The duty of the Inspectors of this division is to carefully inspect, from time to time during its progress, each building in his district, and see that the work is being executed according to the plans and specifications approved of by the Department, and also to attend to the special sanitary work of the district. This constant and careful supervision by the Inspectors of this division, in respect to light and ventilation of tenement-houses and the plumbing and drainage of all new buildings, has insured improved conditions, conducive to the health and comfort of the people. During the past year the work performed by these Inspectors was as follows: —

Inspections under plumbing law . . . . .	45,195
Inspections under tenement-house law (light and ventilation) . . . . .	12,613
Inspections of lodging-houses (for permits) . . . . .	97
Inspections and reinspections on citizens' complaints . . . . .	371

#### *Food and Offensive Trade Inspections and Chemical Analysis.*

This division is in charge of the Chief Chemist and Assistant Chemists, and makes the inspection of milk, fish, fruit, and other food supplies in this city, does the analytical work of the Department, and the inspection of offensive trades. For this purpose there are three Chemists, seven milk, four meat, two fruit, one fish Inspector, and two Inspectors of Offensive Trades employed.

#### *Milk Inspection.*

There is no article of food upon which human life is more dependent than upon milk, and consequently a careful inspection is important, even necessary. For milk inspection the city is divided into seven districts, to each of which one Inspector and one Sanitary Officer are assigned, whose duty it is to make weekly inspections of each store in their district where milk is sold (about 5,000 stores in the city), and also to make early morning inspections from time to time at the several ferries and depots where milk is received. Permits for the keeping of milch cows within the city limits are only issued when the premises occupied for this purpose are reported upon inspection to be properly drained and cared for, and so situated as to be inoffensive to the public. During the year all cows have been inspected as to their health and physical condition, for the purpose of preventing the sale of milk from diseased animals, so far as the jurisdiction of this Board

extends. In the past year an improvement is noticed in the quality of the milk sold and used in this city, which is due in a large measure to the constant inspections and the prompt punishment by the courts of violators of the provisions of the Sanitary Code in respect to this subject. During the year 58,721 inspections have been made, and 97,040 specimens of milk tested, resulting in the arrest of 299 dealers for violation of the sanitary ordinances relating to adulteration.

Of these there were tried and convicted . . . . .	244
Of these there were discharged . . . . .	14
Of these there are cases pending . . . . .	41
In all . . . . .	299

The fines imposed upon those convicted amounting in all to the sum of \$7,400,00

#### *Meat, Fish, Fruit, and Food Inspection.*

During the past year the Department has endeavored, as far as lay in its power, to watch over the food supply of this city, daily inspections being made in the markets, commission houses, and stores where meat, fish, fruit, vegetables, and other food supplies are offered for sale to ascertain the condition thereof. On account of the limited facilities at its disposal, much food that was unfit for use, no doubt, found its way into consumption; but, as an evidence of the great good accomplished by the Department, we desire to call attention to the following statement of the amount of work of the several Inspectors charged with the inspection of meat, fish, fruit, and food, and the result thereof: —

Number of inspections of meat and fish . . . . .	66,309
Number of inspections of fruit and food . . . . .	35,888
Number of pounds of meat and fish condemned, and seized and sent to the offal dock . . . . .	1,200,341
Number of pounds of fruit and food condemned, seized, and sent to the offal dock . . . . .	1,056,076

#### *Offensive Trades.*

Inspectors of Offensive Trades are charged with the daily inspection of slaughter-houses and gas-houses, and the semi-weekly inspection of rendering and fertilizing manufactories. All citizens' complaints in connection with nuisances arising from offensive trades are investigated at once, and frequent inspections have been made of manufacturing establishments likely to become nuisances; and, whenever necessary, changes have been made in the manner of conducting business. During the year 22,200 inspections were made, resulting in 1,382 complaints, 4 arrests and convictions.



*Hospitals.*

The Department has three hospitals: one known as the Willard Parker Hospital, located in Sixteenth Street, near East River, at a goodly distance from any human habitation; another, the Reception Hospital, located on the same street, still nearer to the river; and, third, the Riverside Hospital and other pavilion hospitals, located at North Brother Island, at least six miles from Sixteenth Street, and about half a mile from any habitable dwelling in its vicinity.

The Willard Parker Hospital is complete in all its appointments, and accommodates 70 to 80 patients. It is at present devoted to the treatment of scarlatina and diphtheria, the diphtheria patients being children only, whose mothers are frequently allowed to accompany them, provided they will remain in the hospital until the patient recovers, and also provided that they will comply with the rules and regulations of the hospital, and do what they may be able to do toward assisting the attendants of the hospital in duties connected with the care of patients. The wards of this hospital devoted to scarlatina and diphtheria are entirely disconnected, and the attendants have nothing to do with patients other than those to whom they are specially assigned. No contagious disease, as a result of inter-communication, has occurred in this hospital within the last three years. The friends of the patients who are in the hospital are permitted to visit the hospital once each week, remaining half an hour, provided, of course, that they change their apparel and take such other steps as are deemed advisable to prevent the spread of contagion. This permission is not esteemed a good sanitary policy, but rather a policy of conciliation, which privilege will, no doubt, ere long be still further lessened, if not removed entirely. It has not yet come to the knowledge of the Department that any person having visited the patients of this hospital, or any other hospital of this Department, has propagated contagious disease by such act.

It is proper to state in this connection, to show the interest which the profession at large take in the treatment of contagious diseases by the Health Department, that men of such prominence as Dr. Jacobi, Dr. Janeway, Dr. D. M. Stimson, Dr. O'Dwyer, and Dr. Shrady constituted themselves a Consulting Board, at the request of the Commissioners of the Health Department. This Board have substantial charge of the medical policy of the hos-

pital. Such an act on their part could but arouse public confidence in the hospital itself, as well as in the good intentions of the Health Department regarding the treatment of contagious disease. It is, likewise, proper to add that, with the view of better education of nurses in the treatment of contagious disease, the Mount Sinai Training School has an arrangement with the Willard Parker Hospital whereby the Health Department affords opportunity for the pupils of the Mount Sinai Training School to have special instruction in treatment of contagious disease. The pupils, of course, give their services to the city, for no recompense other than board, washing, and lodging, during the period which they remain connected with the Willard Parker Hospital. The Willard Parker Hospital is under the immediate charge of a House Physician, who receives his directions as to treatment, etc., from the Consulting Board. The policy of the hospital, however, as to expenditures, is controlled by the Commissioners of the Health Department.

The Reception Hospital is what its name indicates. It is divided into several wards having no communication with each other, into which patients suffering from various varieties of suspected contagious disease are placed for observation. As soon as the diagnosis is established they are sent to their destination.

The Riverside Hospital on North Brother Island is devoted to small-pox. The five remaining pavilions are devoted to adult scarlatina, measles, chicken-pox, whooping-cough, typhus fever, etc. The institution on North Brother Island is presided over by a House Physician and Matron. The House Physician has entire control of the patients and the general executive work of the island. The Matron has control of the help and the general executive work relating to the house duties. The five pavilions before mentioned are separately heated, are about fifty feet apart, and are devoted to the treatment of contagious disease in accordance with the demands. This hospital, too, has visiting days, and strict regulations regarding the outside communication with patients,—for instance, such as a limitation of the time and change of apparel before going into the ward.

#### *The Bureau of Records.*

This is in charge of Roger S. Tracy, M.D., Register, and is intrusted with the registration of births, marriages, and deaths, the granting of burial permits, the study of topographical causes of

disease and circumstances of unusual deaths, and incidentally classification and filing of vital statistics.

The total number of employees and officers in the service of Health Department is about two hundred. The annual expenditure is about \$400,000.

Vacancies occurring in the various staffs must be filled from of names furnished by the Civil Service Commission.

In other words, a strict competitive examination must be passed by all applicants for the service.

Such is the Health Department of to-day.

### 3. THE TENEMENT-HOUSE: ITS INFLUENCE UPON THE CHILD.

BY MARY E. HERRICK, M.D., NEW YORK.

[Read Sept. 3, 1890.]

Imagine a house five or six stories high, upon each floor a front, a back, and four middle dark rooms, divided into two apartments, each apartment consisting of two or three dark rooms and one light room. Imagine each dark room filled up with a large bedstead, holding a dirty mattress or a feather bed, and an assortment of bed-covering seldom or never cleansed. In the narrow space between the bed and the wall will hang the family clothing, more or less soiled and odorous. Imagine in the light room the cook-stove, the sewing-machine, and various other articles of furniture. Imagine this, further, the kitchen, dining, sitting, and work room of the family, consisting on an average of five persons, part of whom are accommodated here by a bed on the floor during the night. Add to this the sounds which proceed from the neighboring adjacent tenements, the sights and sounds from neighboring opposite tenements, the atmosphere of a dirty, crowded street or of a badly kept yard, and you may have a faint idea of a tenement-house. But even this will hardly be enough. You should imagine the even more crowded quarters, where six or eight "boarders" are added to the ordinary household, sleeping on the floor of the living-room. You should imagine the crawling vermin, the stifling atmosphere. You should imagine double houses of the same general description, but accommodating four or even six families upon each floor. You should imagine rows and streets of such houses, the yard space in many instances occupied by a second house, the duplicate of the first. Imagine the street itself, with its decayed garbage, unemptied ash-barrels, and unswept walks. Imagine the courts and yards into which the rear houses open, the choked and overflowing closets, the decaying refuse and the stench of it all,—and you will begin to have some idea of tenement-house life, the peculiar phases of which are probably nowhere better shown than in New York City. It is said that the region east of the Bowery,

between Houston and Chatham Streets, is the most densely populated in the world, not excluding China with its crowded cities. Legislation has done but very little for us toward the solution of this problem. There are still many houses with four families on a floor, and but one water-closet, which these four families must all use. The tank is always too small, and the odor is upon hot days unbearable. The building of rear tenements is forbidden, but the lodging nuisance is unabated, the laws which govern lodging-houses not being capable of enforcement in the case of tenements, even where there are a number of lodgers in each.

During the past two months I visited 8,563 families, the district extending between Grand, Division, Jefferson Streets and the river. All the older houses in this district are without air-shafts, and one of the *dark* rooms is used as the kitchen. The air is always heavy with sewer gas, cooking smells, and the odors from soiled clothes and from the kerosene lamp, which must burn all day to furnish the light necessary.

I will relate to you some of the conditions which I found upon what might perhaps be called a *typical* day.

*House in Cherry Street, Family upon the Top Floor.* — The father is a drinking man, and has not supported his family for two years. The mother has finally abandoned him, and is trying to keep together her five children. One of fourteen works with her in a shirt factory. A girl of twelve does all of the housework, while one of ten looks after a boy of four and one of two and a half. How well she does it was shown last week, when the baby was brought in with a broken arm. He had been climbing up on an ice-cart; and, as the wheel went around, he went with it. The shouts of the children stopped the cart before it had gone over his body.

*Another House in Cherry Street, Top Floor, Rear.* — Family consists of man, wife, and two children. The father fell through a hatchway six weeks ago, and was taken to Chambers Street hospital. The excitement and grief brought on premature labor in the mother, and the worry prevented any secretion of milk. Both she and the baby are very weak. The second child suffers from rickets, and is unable to walk. The few dollars they had when the husband was hurt (less than \$20) have done little else than pay rent. A sister helped them somewhat, but mainly their living has been furnished through the charity of their neighbors.

Still another family in this row consists of two widows, one with twins five weeks old, the other with four children, the youngest five

months. One woman sews at home or goes out. The other washes, each in turn taking care of the other's children. Frequently they do not have enough to eat. The two families have two rooms and one bed in common. The older children sleep on a "comfortable" thrown on the floor.

Cherry Street furnishes another home in which is a family of Polish Jews, the baby with cholera infantum. The child's temperature was 103.8, and he was lying in a rocking-chair not three feet from a hot fire. The back of the stuffed chair was next to the fire, and so served as a screen. Oftener I find the baby with nothing to shield him. This hot fire is almost always found either for cooking or washing. It is as common to see the wash-tub filled with clothes as to see any other article of furniture. The poor have so few clothes that these must be constantly passed through the tub.

In the rear of this house on a porch were two boys asleep. They had one pillow in common and one comfortable, half of which served as a mattress and the other half as a cover. The mother said that during the hot weather they had slept every night upon this porch. The parents and other children stepped over the sleeping boys rather than disturb them. In the back of the yard was a horse stable, and two goats. These goats often came up to the outside boy, and would lick his face. He would throw his hand or the cover over his face or turn over to get rid of his visitor, and sleep on.

Still farther up the street a girl of thirteen stood at the door, with a baby of two months in her arms. The baby was teething. I saw that he was chewing some queer-looking thing, and upon closer examination found that it was a Bologna sausage. The girl had taken the child to the store, when she had gone to buy the dinner. He had seen the sausage, and had cried until she had bought it for him. The mother knew about it, and had offered no objection. In fact, I found mothers giving babies of five and six months all sorts of stuff to eat, even when their breast milk is plenty. "It doesn't hurt him," the mother will say. When I ask about the baby's bowels, she will reply, "He has diarrhœa, but it is from his teeth." I hear this remark constantly. So common is the condition that they never mention the matter, and, upon questioning them, I often find that the baby has been suffering for weeks.

On Division Street in a basement was a little pine coffin for one

of twins which had just died. The other was in the cradle, cross and sick. The mother was running the sewing-machine to earn money to bury the dead child. Every few minutes she would take one foot from the treadle without stopping the machine to rock the cradle. The father is out of work.

The noise in many of the localities is deafening. In the rear of a certain part of Cherry Street there are tailor shops, with machines running all day. The doors are open for air, and the noise is incessant. Then in the front is the noise from the street, so that I had almost to shout in order to make the people hear. In two rear apartments thrown into one there were twenty-three men, three women, and one girl of fifteen years, working.

In the Italian districts I found the most cholera infantum,—so many of the fathers keep fruit-stands and give their children green or rotten fruit. I might continue this story to a considerable length, as I have visited as many as two hundred and thirty-two families in one day; but the continuation would be a mere repetition. The children see nothing to encourage them in cleanliness, order, or thrift. There is a total absence of standards. The houses are dirty, the table is always standing, the bread and butter, etc., remaining on from one meal to another, with often the dirty dishes. There is never a table-cloth, of course. Yet the children are not so very unhappy. They have their games and various forms of amusement.

On Monroe Street, in the back yard, where there was a hydrant, five boys, their ages ranging between nine and fourteen years, were having a "swim." They had filled a wash-tub brimful of water, and would then jump in and sit down rapidly, making a great splashing with their hands for waves. Occasionally they would "dive." This consisted in kneeling on the ground near the tub and dipping the head into the tub.

I came across many children at work. On Monroe Street two girls of thirteen and fourteen years were running sewing-machines. All summer long they have worked from 6 A.M. until 7 P.M. A girl of thirteen was washing. The chair being too high, the tub was on the floor and the girl was kneeling at her work. This is the common position for children at the tub. On Water Street I found a boy of eleven years, who takes the entire charge of his brother Willie, two years old. The mother died five months ago. The father is a 'longshore-man. He cooks in the morning and evening. I have twice this summer sent Johnnie and his baby on

the St. John's Guild Excursions. He takes excellent care of his brother, and, even when the latter was sick a few weeks ago, gave him his medicine and prepared his food according to directions, and could tell me about the bodily condition of the baby better than many mothers. On Division Street a girl of seven years was sewing on pantaloons. On Washington Street I found a sick woman who is entirely supported by four newsboys.

The bravery of these little workers has been often commented upon. There is no great discontent among them. They know nothing better, and consequently they work when they must and play when they can with more or less cheerfulness. The exuberant vitality of childhood overleaps even the bounds prescribed by the tenement-house, and finds amusement even in the most unfortunate surroundings. To the cursory glance there is no marked deterioration of bodily health among the growing children. This may be explained, perhaps, by the fact that the weak are very early lost from their number. The great mortality among the babies of the tenement-house is familiar to you,—65 per cent. of all children die before reaching their fifth year. Before the tenth year, therefore, the child has either succumbed to his environment or he has proved his ability, physically, to cope with the evils of his surroundings. It is not, therefore, the effect of the tenement-house upon the health of the child, but rather its effect upon his mental and moral constitution which has most impressed me.

In the tenement-house evil the moral factor largely predominates. Pitiably as is the condition of the tenement-house baby, sad as is the stunted intellect of the overworked children prematurely forced into the treadmill of life, sadder still is the absence of moral restraint, the total lack of knowledge of the true, the good, and the beautiful in the child of the tenement-house. We may lighten this condition by our working-girls' clubs, by our Young Men's Christian Association, perhaps; but we must not forget that the fundamental element in its production is the tenement-house itself, with its herding of human beings and its lack of opportunity for individual privacy.

Father Huntington remarks upon this phase of the tenement-house question as follows:—

"It is only by an effort quite beyond the powers of many people that grown men and women can resist the lowering influences about them. What, then, must be the lot of the children? They



must not only hear all the older people hear and see all that they see, at an age when every such sight and sound leaves its impression, but they are practically forced into acquaintanceship with the other dwellers which their elders can avoid. Wherever they play, they are without any real oversight. Think what possibilities of moral contagion lie in such associations. The effect of vicious actions is far worse in the crowded tenement, where every sound is heard in adjoining rooms, than in an ordinary dwelling. The example of vice and brutality is demoralizing and contagious where it cannot be hidden. Familiarity breeds indifference; and men, women, and children become hardened by contact with vice."

The tenement-house child is astonishingly precocious. Dr. Daniel, physician to the outdoor department of the New York Infirmary, says, "I have babies of from six to twenty-four months brought to me daily by boys and girls of from eight to nine years, who answer my questions as well as the mother could." Obscene writing prevails in the halls of the tenement-house. The landlords say there is no use in erasing it: the boys will write it again. We might refer to many cases like the following: that of a girl of fifteen years, still in short dresses, but about to become a mother. The utmost respectability characterized the family, which consisted of a widow, this daughter, and a young boy. The rooms, bedding, clothing, everything was scrupulously clean. Said the doctor to the poor woman: "Surely, you must be to blame. Had you looked after your daughter properly, this would never have happened." Her sorrowful reply was, "You know we live in a tenement-house." That was enough.

Mr. Wingate says the number of bad tenements has not decreased. The tenement system itself is only more fully recognized as replete with evil. The crowding of the old and young, the strong and weak, the decent and the vile under the same roof, still goes on unchecked and unheeded.

In the opinion of many it is useless to legislate against the tenement-house until we are ready with a substitute to take its place. Some years ago a prize was offered for a design for a model tenement-house, to be built upon the ordinary city lot. Although competition furnished a number of designs, no prize was awarded, the committee declaring that, in their opinion, it was impossible to secure the requirements of moral and physical health within these limits. To obtain any satisfactory improvement, it has been found necessary to have more ground space, with a correspondingly large

building. Brooklyn has a number of model tenements of this description, the property of Alfred T. White. New York has a small number of similar "model" tenements.

The largest, and the first to be constructed, is upon First Avenue, between 71st and 72d Streets. The building consists of three blocks of houses, six stories high, covering two hundred square feet, having four houses each upon 71st and 72d Streets and five houses upon the Avenue. These houses surround a court, which is also open upon both sides to the streets. All of the rooms have windows either upon the street or into this court. There are no air-shafts or middle rooms. Most of the apartments consist of three rooms, some of two, and a still smaller number of four rooms. In the larger apartments there are two good closets in the living-room and one in the bedroom. Off the living-room there is a wash-room with a stationary tub, wash-sink, and ash-chute. Still beyond is the water-closet. The building is fire-proof, with brick walls and stone stairs. It is provided with a day watchman, a night watchman, an engineer, and five housekeepers. The court is swept daily by the day watchman. Children are allowed to play in it all day. There is a library, smoking and reading room. The rents vary between \$6.75 and \$14 a month.

A second "model" tenement, the Cutting Building, is found at the corner of Avenue C and 14th Street. This also consists of three extensions built around a court. It does not, however, occupy the whole width of the block, as does the last building described. Consequently, while eminently satisfactory thus far, it is even now in danger of loss of light and air from the filling up of the adjacent lots with compactly built tenements.

A third "model" house is found at 207 and 209 West 41st Street. Here we have four extensions built about a central court. All of the rooms open into the air; but, the space being smaller, the court-yard is small and the rooms correspondingly dark. Children are not allowed to play in the court, and families having more than three or four children are not admitted. As a rule, people with large families cannot secure rooms in these "model" houses, even if so inclined.

In addition to these "model" tenements we have quite a number of "improved" tenements. These are altered houses or new houses built upon one lot, and somewhat like the old in plan. A number of houses have been altered upon Water Street by a lady who owns three and sublets two others, assuming all responsibility

for them. She has thrown all the yards into one, and has cut off a back room from each house so as to admit air to the halls. She holds that, if the halls and stairs are light, the dirt will show, and consequently they will be kept cleaner. In the yard are two large flower-plots, all of the plants having been furnished by the tenants.

Mrs. Miles, formerly of the City Mission, has done excellent work in reforming a number of tenement houses, herself taking charge, collecting the rent, and attending to the details of the housekeeping. Miss Dow, also formerly of the City Mission, is now doing similar work upon Mulberry Street.

Among the "improved" tenements might be classed the houses built by Professor Adler's Society. These are upon Cherry Street. They accommodate six families upon a floor, the middle rooms having windows into a very large air-shaft. These buildings are fireproof, there is a water-closet for every two families, gas in the halls and rooms, and stationary tubs. Only "nice" families, however, are admitted; and for the children of the occupants there is a kindergarten. Families with a large number of children cannot be received. There are upon the corner of Montgomery and Monroe Streets two "improved" tenements, having very large air-shafts. In fact, the list of improved tenements might be indefinitely lengthened, the majority of the new buildings tending to be of this pattern. In general terms, it can be said that we are not standing still in this matter of tenement-house reform. Sad as is the present picture, things are much better in the tenement-house districts than was the case ten years ago. The Board of Health has done much to improve the condition by its system of visitation, its forms of printed regulations, and more or less compulsory rules. The main difficulty lies in the fact that many of the improvements are not radical enough, and will not be until it is recognized that individual privacy is the essential element to be sought in all reform. Even in the new houses one room opens out of another, or many rooms open into a confined space (air-shaft), so that neither family nor individual privacy is possible. In our own opinion, the larger houses better fill the conditions which we seek; namely, the combination of decency and comfort with the price which the tenement-house occupant can pay.

It is not generally known, perhaps, that greatly improved accommodations can be given for the usual rent, and yet a good return for the money invested be assured. Mulberry Street rents one room and a dark closet for \$8 a month. 54 and 56 Mulberry

bring in \$200 a month on a property assessed at \$9,500. The ordinary tenement-house pays a higher profit than any other dwellings, even in the most desirable parts of the city. In the improved tenements on Mulberry Street the rents average \$4 a month for each room. This house pays 15 per cent. on the capital invested, while the rookeries next door pay twice as much. The Water Street houses, to which reference has been made, rent two-room apartments as low as \$3 a month, and three rooms for \$4.50 and \$5.50; yet this property pays 6 per cent. net, and of the total annual rental only \$250 was lost last year. The improved tenements at 36 and 38 Cherry Street rent apartments at from \$3 to \$8 a month, and yet pay 6½ per cent. on the investment. The houses on 71st Street and 1st Avenue furnish a 5 per cent. yearly dividend, besides \$1,000 a year put away as a sinking fund.

This work can be extended indefinitely if capitalists will build new houses or renovate the old ones, and put in charge of them competent, conscientious persons, who will see that the houses do not degenerate. Constant intelligent supervision is needed, besides the mere investment in bricks and mortar and good sewer pipes.

The exclusion of large families from the improved tenements has not perhaps received the attention which it deserves. You perhaps are all familiar with the story of the little girl who, when asked how she came to live in a flat, replied, "I was borned in." Apparently, children must be "borned in," to assure themselves a respectable foothold in New York. It is very difficult for people of moderate means to secure anywhere comfortable quarters for a family already partly grown. This seems peculiarly unfortunate, for in the majority of instances environment is a more potent factor in development than heredity. Thus inferior or defective surroundings destroy virtue that is already in the world, and become powerful sources of crime. An improvement in tenement-houses means an improvement in morals, and as such becomes at once a personal matter to all interested in human welfare.

#### 4. THE PROGRESS OF THE FINANCIAL CREDIT OF THE GOVERNMENT OF THE UNITED STATES, 1861-1890.

BY JOSEPH T. BROWN, OF NEW YORK.

[Read September, 1890.]

The Chairman of your Committee on Finance has kindly suggested that a paper upon the war and funding loans of the national government, based somewhat on personal recollections, might be of interest at your present session ; and, in compliance with his request, I have selected as a topic the progress of the financial credit of the government of the United States since 1861.

In considering a subject so extensive within the proper limits of such a paper, it is impossible to enter largely into details or into the discussion of financial or economic principles ; and I shall therefore endeavor to confine myself to a narrative of facts rather than to present elaborate statistics by which such facts might be sustained.

The history of the credit of the government during the period named is a record of experiment in the absence of precedent ; of financial measures of great magnitude hastily devised to meet imperative and unforeseen contingencies ; of many mistakes, but more successes ; of patient and patriotic endurance by our citizens, sustained by unchanging confidence in the integrity of the Union and the faithful performance of its financial pledges ; of taxation oppressive and unfamiliar, levied in almost every form ingenuity could suggest ; and of the wonderfully productive and recuperative character of our internal resources.

President Johnson, in his first message to Congress at the close of the war, in discussing the public finances, says,—

I have faith . . . that, as we have amazed the world by the suppression of a civil war which was thought to be beyond the control of any government, so we shall equally show the superiority of our institutions by the prompt and faithful discharge of our national obligations.

How literally and fully this prophecy has been fulfilled it is my desire to show.

The administration of President Buchanan appears to have been as unfortunate in its financial as in its political record. Launched into existence during the panic of 1857 and clouded by the gathering storm of disunion which burst into the actual strife of rebellion before its close, the national debt was more than quadrupled during his four years of office. On Jan. 11, 1861, when General John A. Dix was appointed Secretary of the Treasury, the department was found to be practically bankrupt, with unpaid obligations for salaries, treasury notes, etc., aggregating \$2,355,896, for the settlement of which the creditors were clamorous. The last effort of his immediate predecessor to relieve the embarrassed condition of the Treasury was the offer for public subscription, on Dec. 18, 1860, of \$5,000,000 one year Treasury notes. Only \$1,831,000 were subscribed at twelve per cent. interest or less, and proposals were tendered for the exchange of \$465,000, maturing notes, for those of the new issue, bearing interest from fifteen to thirty-five per cent. These latter offers were rejected; and, to save a default in the interest upon the public debt, due Jan. 7, 1861, the banks of New York subscribed for the remainder of the \$5,000,000, at twelve per cent. interest. On Jan. 19, 1861, Secretary Dix received offers for the remainder of these Treasury notes, authorized by the act of Dec. 17, 1860; and they were taken at an average of 10½ per cent. interest.

The only other available source of extra revenue then at the disposal of the Secretary was the balance \$13,978,000 of the loan of \$21,000,000 authorized by the act of June 22, 1860, of which Secretary Cobb had been able to place only \$7,022,000, and which in the disturbed condition of the country it was impossible to negotiate.

The customs revenue, which had been estimated to yield \$15,000,000 for the quarter ending Dec. 31, 1860, fell below \$8,000,000, owing to the intense excitement prevailing in both mercantile and political circles; and during the month of December, at the port of New York alone, \$6,000,000 of merchandise was warehoused, in the absence of purchasers, and nothing realized thereon to the Treasury. In this emergency, Secretary Dix called attention, as probably the only means of securing prompt relief to the embarrassed Treasury, to the \$28,000,000 surplus revenue which had been deposited with twenty-six of the States

under the acts of 1836 and 1837,—suggesting that, should an exigency arise involving public honor or safety, the greater part of this amount would be cheerfully repaid by the States, or that, instead of calling for a return of the deposits, they might in some manner be hypothecated as additional security for a loan to be issued upon the faith of the United States.

It will be seen from the foregoing that we have an easy point from which to measure our consideration of the advance of the national credit. The financial thermometer stood practically at zero. The Treasury was absolutely bankrupt; and, if any borrowing capacity existed at all, which is questionable, it could not be measured by a lower rate of interest than 12 per cent. gold,—a rate which neither individual nor government could afford to pay for any length of time without financial ruin.

Such, then, was the condition of our public finances on the eve of a war unequalled in magnitude, in the prosecution of which the daily expenses were to reach the enormous sum of \$3,000,000, and the national debt was to increase from \$87,718,660 to \$2,756,431,571.

On Feb. 1, 1861, it was apparent that there would be a deficiency in the Treasury of about \$25,000,000, to provide for which the act of Feb. 8, 1861, was passed, authorizing a loan of \$25,000,000 at 6 per cent., which became known as the first series of "sixes of 1881." The Secretary was able to effect an immediate issue of \$18,405,000 of these bonds, at an average rate of 83.03. On April 2, 1861, the remainder of the issue was offered, and bids from 94 to par were accepted for \$3,099,000. The balance was sold on May 31, after the opening of the war, at an average of 85.34. Less than a month thereafter, on March 2, 1861, a further act was passed, authorizing \$10,000,000 6 per cent. Treasury notes. Some of these notes were issued payable sixty days from date, and the remainder two years from date.

The expected outbreak of war was inaugurated by the attack on Fort Sumter, April 12, 1861, and its surrender on April 14. The following day President Lincoln called for 75,000 volunteers for three months' service, and also issued a call for a special session of Congress, to assemble July 4, 1861. The two year Treasury notes were selling at  $2\frac{1}{4}$  per cent. discount, or at a rate yielding over 7 per cent. per annum interest; and the Treasury, unable to dispose of further amounts, was compelled to borrow, for sixty days, upon the hypothecation of these notes as collateral security.

Upon the assembling of Congress, the financial requirements of the government demanded immediate attention; and Secretary Chase submitted his first report, estimating the total requirements for the year at not less than \$318,000,000. Among other suggestions, he proposed a loan for three years upon Treasury notes bearing  $7\frac{3}{8}$  per cent. interest, which rate the Secretary designated as "liberal and convenient, and, under existing circumstances, fair and equitable to the government."

The acts of July 17 and Aug. 5, 1861, based upon the suggestions of the Secretary, authorized the issue of \$250,000,000 in twenty year bonds at a rate of interest not exceeding 7 per cent., or in Treasury notes at  $7\frac{3}{8}$  per cent. interest for three years, and also \$50,000,000 in demand notes, receivable for public dues, but bearing no interest. At first these demand notes were discredited, and received with great reluctance by tradespeople and others, some of the New York banks declining to accept them except as a special deposit payable in kind. The Secretary of the Treasury and other public officers subscribed a circular agreeing to receive them in payment of their salaries; and General Scott deemed it wise to issue a circular to the army, commending them as "good as gold, and convenient for transmission." The notes, however, steadily gained in currency, and after the suspension of specie payments were eagerly sought at a trifle below the premium on gold, as they were available for payment of customs duties.

What may be designated as the first war loan—namely, the first series of seven-thirty notes—was issued under the provisions of these acts. Being authorized and issued before the suspension of specie payments, the interest upon them was construed to be payable in gold, and was so paid. The greater part of the issue was negotiated through the New York banks, two series of \$50,000,000 each being placed by them during the year 1861. Regarding these negotiations by the banks, I quote from the report of the Loan Committee of the Associated Banks, presented June 12, 1862:—

The credit of the government had become impaired to such a degree that a large loan could not be obtained in any ordinary way, nor even a temporary loan, except for a very short period at a high rate of interest. Men's hearts failed them. The rebellion was on so large a scale, and had so unexpectedly broken out and raged with such fury, that to subdue it seemed to most persons impossible. Then it was, after careful deliberation and consultation with the Secretary, that the banks decided it to be wise for them



to depart from their usual legitimate business, and sustain the government credit, and stand or fall with it. This act restored the public confidence, and was the highest indorsement of the public credit that could then have been given.

This patriotic action of the New York banks, made without expectation or hope of profit, although small in comparison with some later transactions, was probably the most important negotiation of the war. It is not rash to assume that, but for the timely and courageous support of those representing the aggregated capital of the nation, the Treasury would have been bankrupt beyond recovery and the struggle for the restoration of the Union a failure. As the first gun upon Sumter was the signal for the uprising of men to offer their bodies for the defence of their country, so this action by leaders in finance found a hearty response in the pockets of the people; and though, thereafter, the negotiation of public loans might at times be tardy, there was really no period during the rebellion when the preservation of the Union was again imperilled by the want of means necessary for the conduct of the war in its defence.

These seven-thirty notes were convertible into the "sixes of 1881," authorized by the same acts, and, with the exception of \$63,500, redeemed in money, the entire issue was so converted, and disappeared from the debt statement in the latter part of 1864.

In December, 1861, a new complication arose from the suspension of specie payments; and by reason of this new element of calculation it is impossible, without more elaborate tabulation than our limits permit, to show the rapidly fluctuating market quotations of government securities during the dark days of 1862-1864.

A victory or a defeat, a corner or combination in the money markets, caused violent fluctuations of the gold premium, which can hardly be taken as a fair measure of credit.

It may, however, be stated here that, figured upon a gold basis, and including the non-interest portion of the greatly increased debt, the rate of average interest during 1863 was only 3.89 per cent., and that at the close of the war the average interest upon the entire debt was actually less than at the commencement, being only about 5.55 per cent.

The act approved Feb. 25, 1862, was doubtless the most radical and far-reaching of all financial legislation of the war period, and the subsequent loan measures adopted by Congress

during the war were practically but amendments or modifications of this act.

The new law was important in three particulars : —

1. In providing for the gradual extinction of the national debt by the operation of a sinking fund.
2. In authorizing the issue of a new and popular form of security, known as the five-twenties of 1862.
3. In authorizing the issue of \$150,000,000 United States notes, which by their terms were made a legal tender for all debts public or private, except duties on imports, thus, for the first time in the history of the nation, making other than gold and silver a legal tender for the payment of debts.

No financial measure in the history of the war provoked such earnest discussion as this legal tender provision. Few of its advocates attempted to defend it except upon the plea of urgent necessity. Its opponents argued that means could be otherwise provided, and that the measure was alike discreditable and dangerous. Both regarded it as a temporary expedient, and looked to the retirement of the notes as soon as the pressing reasons for their existence should have passed.

Whether the emergencies could have been met without resort to so dangerous an expedient will not be discussed in a paper intended to be a record of facts, and not of opinions; but it is doubtless a fact that, had it not been for the creation of a depreciated and dishonored currency, bearing upon its face the false statement that it was good money, or had such notes been promptly paid or converted into funded debt, as was contemplated by the act under which they were issued, the progress of the credit of the government would have been much more rapid, and its consideration a much simpler problem.

Further emissions of legal tender notes were legalized by the acts of June 11, 1862, and March 3, 1863, and the highest amount reached at any time was about \$450,000,000. Having tasted the forbidden fruit of printing paper and calling it money, we are to be congratulated that the authorizing powers found even this limit at which to stop.

In illustration of the views regarding the redemption of legal tenders by those who sanctioned their issue, it may be mentioned that in 1865-66 the House of Representatives, by a vote of 144 to 6, cordially concurred in the views of the Secretary of the Treasury as to the necessity of contraction of the currency with a view to

early specie resumption; and by act of March 12, 1866, Congress directed the retirement of \$10,000,000 legal tender notes within the next six months, and \$4,000,000 per month thereafter. Under this act the amount was reduced to \$356,000,000 by Dec. 31, 1867, when, in deference to certain public clamor, Congress prohibited further reductions.

We have not space to enter into the particulars of the various issues during the war, including the Five-twenties of 1862 and 1864, the Ten-forties, Temporary Loan Certificates, Compound Interest Notes, Fractional Currency, Seven-thirty Notes; nor of the organization of the National Banking system, which created a purchaser for \$340,000,000 of national obligations, and furnished active agents for marketing the loans.

The lowest point to which the paper dollar declined was in July, 1864, when its value compared with coin was \$0.387. From this time, with more or less fluctuation, its value enhanced until the approach of specie payments in 1879, when the premium upon gold entirely disappeared.

At the sudden termination of the war it became vitally important, as a measure of economy, that the army should be disbanded at the earliest possible moment. But this involved payment of the troops before they could be mustered out, transportation home, and other expenses. The Treasury was, as usual, empty, but there remained unissued under the act of March 3, 1865, some \$530,000,000 seven-thirty notes. The Secretary decided to avail of the services of Mr. Jay Cooke, who had been eminently successful in placing former issues, as agent for their sale. No previous loan was so promptly subscribed by the people, now rejoicing in the assurance of peace; and before the 1st of August, 1865, the entire amount was taken. The requirements of the War Department were promptly met, and no soldier remained in the service a single day for want of means to pay him and send him home. A popular subscription of this character and amount by a people who had already, within four years, contributed from their resources over \$2,000,000,000 to maintain the integrity of the Republic, was a tribute to the government unparalleled in history.

Shortly after the close of the war the funding and consolidation of the various public obligations commanded the consideration of the Secretary and Congress.

As early as April, 1866, a bill, which was finally defeated by amendments, was presented to the Senate, providing for a 5

per cent. funding loan. The interest-bearing debt then consisted of twenty-three distinct issues or maturities, a considerable portion of which was within control of the Department as regarded immediate payment, and upon more than \$1,600,000,000 of which the government had options of payment maturing within two years.

At this time, however, the placing of a 5 per cent. loan for funding purposes seemed impracticable, as the 5 per cent. ten-forties were selling in the market at about 95 currency and the premium upon gold ruled at about 30 per cent.

In December, 1867, a second funding bill was passed, providing for a domestic loan at 5 per cent. and a foreign loan at  $4\frac{1}{2}$  per cent., which was finally disposed of by the pocket veto of President Johnson.

The Secretary, however, was able, under the provisions of the acts of March 3, 1865, and April 12, 1866, and from accumulating surplus revenue, to retire all of the short interest-bearing notes and to fund the three year seven-thirty notes into five-twenties of 1865, 1867, and 1868. Eliminating the small balances not presented for redemption, the number of issues was thus reduced from 23 to 10 (or 12, including two small *ante-bellum* loans still outstanding), all bearing 6 per cent. interest except the \$13,000,000 Navy Pension Fund and about \$200,000,000 of ten-forties and other 5 per cent. bonds.

About this date, say July, 1868, the 6 per cent. issues of the government were quoted in the market at 110 and 115, according to the length of issue, and gold ruled at about 40 per cent. premium.

On March 4, 1869, General Grant was inaugurated President, and the first bill approved by him, on March 18, was the measure known as the "Public Credit Act," which pledged the government to the payment in coin or its equivalent of all obligations, notes, and bonds except those stipulated by law to be payable in lawful money.

On July 14, 1870, a refunding act was finally passed, which was slightly modified by the act of Jan. 20, 1871. This measure authorized

\$500,000,000 of 5	per cents.	redeemable after 10 years,
300,000,000 of $4\frac{1}{2}$	"	" 15 "
700,000,000 of 4	"	" 30 "

payable in coin, exempt from taxation, and to be issued without any increase of the public debt.

It also introduced a new feature by providing that the bonds first issued of each series should be the last redeemed.

It was early in 1871 that Secretary Boutwell, after mature consideration, determined to make an experiment in refunding by offering \$200,000,000 of the fives for public subscription. The time selected was not in all respects favorable. The war-cloud still hanging over France and Germany, and the consequent disturbance of the money markets at home and abroad, proved a serious obstacle to success. The 5 per cent. ten-forties were selling in the market at from 2 to 3 per cent. below par in gold; while the 6 per cent. bonds ruled generally at a slight premium in gold, sufficient to prevent their voluntary conversion into the new issues. Notwithstanding these discouraging features, the Secretary was able gradually to place the entire amount, of which \$117,518,000 was subscribed by the National Banks and home investors, and the remainder by a strong foreign combination.

It is worthy of note that this transaction first brought the name "syndicate" into popular use in our American financial vocabulary. It may also be of interest to give in this place a brief description of the methods adopted in refunding, by which the government received par and interest in gold for the new bonds without the withdrawal of actual coin from the banks, thus avoiding stringency and disturbance of the money markets, which would have rendered funding impracticable.

All the five-twenty acts provided that the bonds issued thereunder could only be called for payment upon three months' notice to the holders. The plan adopted by the contractors for the loan, which was subsequently opened to all National Banks, was to make payment to the Treasury by a certificate of deposit of a National Bank, stating that there had been deposited in such bank, to the credit of the Treasurer of the United States, an amount of gold equal to the subscription for bonds then made. The bonds so subscribed were for the time being retained by the Treasury as security for the deposit.

As they were required by the syndicate for delivery, they were taken up by the temporary deposit of other United States bonds or gold certificates. Simultaneously with each subscription a call was issued for the redemption of an equal amount of five-twenties, payable at the expiration of three months. These "called bonds" were purchased by the syndicate upon such terms as they could be secured, and gradually substituted for the temporary collateral in the hands of the Treasurer of the United States.

At the maturity of the call the deposit in the National Banks was practically cancelled by the redemption, for account of the syndicate, of the called bonds so held in the Treasury. Any small balance, for which the syndicate had been unable to secure called bonds, was settled by payment in matured coupons, largely imported from Europe, in gold certificates, or the coin balance was allowed to remain on deposit in the banks until required for the redemption of the small remnants of called bonds, as they gradually found their way to the Treasury.

By this system only was it possible to successfully carry on the rapid funding of 1876-79, the subscriptions of which at times aggregated more than the entire supply of visible gold in the market; and the whole business was accomplished without the loss or even risk of a dollar to the Treasury.

An increase in the gold premium during 1872 and 1873, and the financial agitation consequent upon the panic of 1873, prevented material progress in funding; and it was not until 1874 that transactions in the 5 per cent. loan became again active.

They were further stimulated by the adoption on Jan. 14, 1875, of the act of Congress providing for the resumption of specie payments on Jan. 1, 1879. The centennial year of our independence was signalized not only by the successful completion of the \$500,000,000 issue of fives, but in August, 1876, Secretary Morrill felt justified, in view of the improving financial condition of the country, and the quotation of the fives at 3 to 5 per cent. premium in gold, in offering the 4½ per cent. bonds provided by the refunding acts. A contract was concluded with a syndicate composed of some of the strongest firms in London and New York, by which the contractors agreed to purchase \$40,000,000 of the 4½s at par and interest in gold, with an option at the same price of the remaining \$260,000,000. This contract contained a provision that it might be terminated by the Secretary, upon ten days' notice, at any time after March 4, 1877. In May, 1877, the 4½ per cent. bonds had risen to a premium of about 2 per cent. gold; and Secretary Sherman, wisely availing himself of his privilege under the contract, notified the syndicate that he should withdraw from sale the remaining \$100,000,000 4½ per cent. bonds, \$200,000,000 having already been placed.

On June 9, 1877, Secretary Sherman executed a contract with substantially the same syndicate, under which the contractors subscribed for \$25,000,000 firm of 4 per cent. consols at par and

interest, and received an option until June 30, 1878, for any portion of the remainder of the issue at the same price, the Secretary, however, reserving the right to terminate the contract, on ten days' notice, after Dec. 3, 1877.

In view of the now rapidly advancing prices of the former issues and the decline in the gold premium, which during the last six months of 1877 fell from 106½ to 102½, the Secretary insisted on the insertion in this contract of a provision requiring the syndicate to offer, for thirty days, registered bonds and \$50 and \$100 coupon bonds to the people of the United States at par and interest in coin. Under this provision \$66,000,000 were taken by the American public and banks, while the London subscriptions during the same period aggregated only \$10,000,000.

During the next few months the agitation of the silver question in Congress rendered sales impracticable; and on Jan. 14, 1878, the Secretary notified the syndicate of the termination of their contract, as the President desired to open public subscriptions in the United States for the 4 per cent. loan.

On Jan. 16, 1878, a circular was issued from the Department offering the bonds for public subscription, and on January 21 all National Banks were invited to become depositories, under the law; for the proceeds of bonds sold by them. The market for fours, however, continued to rule below par, and the sales under the Treasury circulars were insignificant.

It being deemed most important by President Hayes and Secretary Sherman that prompt provision should be made for the accumulation of sufficient gold coin before Jan. 1, 1879,—the date fixed for specie resumption,—to insure absolute success, with that view Mr. Sherman visited New York on April 9 and 10, 1878, and met by appointment the presidents of a number of representative National Banks and also the members of the old syndicate. The result of the interview on the part of the bank presidents was, "if the Secretary would indicate his willingness to receive a proposition for the negotiation of \$50,000,000 4½ per cent. bonds *at par in gold*, they would recommend the National Banks to unite in making it." Mr. Sherman, in his letter to the President reporting upon the interview, says, "We were met by the bank presidents with what I considered rather a chilly reception," and intimates that their chief spokesman was more disposed to discuss the silver bill than talk about purchasing 4½ per cent. bonds.

The subsequent interview with the syndicate was more satisfac-

tory, and resulted in the closing of a contract under which the government sold \$50,000,000 4½ per cent. bonds at \$101½ gold, thus assuring the success of specie resumption.

The result of this negotiation was to reduce the ruling premium upon gold; and only exceptionally thereafter did it rise above 1 per cent., gradually disappearing as the date fixed for resumption approached.

It also stimulated to some extent the subscriptions for fours under the Treasury programme; and on June 30, 1878, the Department sent out a further circular, again calling attention to the loan and again inviting the co-operation of the National Banks.

During the last six months of the year large and rapid sales of "fours" were made, and on Dec. 18, 1878, a call was issued for redemption of the last of the five-twenties of 1865, leaving as the only outstanding 6 per cent. bonds the five-twenties of 1867 and 1868 and the sixes of 1881 not yet due.

With the resumption of specie payments, subscriptions increased with unprecedented rapidity, so that on March 4, 1879, the Secretary issued a circular stating that the rapid calls for five-twenty bonds had reduced the amount outstanding to \$88,000,000, and that, when this amount was covered, further sales of fours would probably be made only upon terms less favorable to the purchaser.

On the morning of April 5, 1879, when the Secretary arrived at his office, the amount of uncalled five-twenties outstanding was \$59,565,700. Before three o'clock of that day subscriptions for fours were received by mail and telegraph aggregating \$58,502,750. Reserving \$1,000,000 to cover certain contingencies under the contract with the London syndicate, the Secretary announced the subscriptions to the 4 per cent. loan closed, and the following day calls were issued for the remaining five-twenties of 1867 and all the five-twenties of 1868.

On April 9 the first call for ten-forties was made, in anticipation of renewal of sales of fours; and on April 16, 1879, the Department offered for subscription \$150,000,000 fours at \$100½ and interest, to be applied to redemption of the ten-forty loan, reserving \$44,566,300 fours to absorb the \$10 4 per cent. refunding certificates.

During the following day large subscriptions were telegraphed to the Department; and before three o'clock the First National Bank of New York, for itself and associates, telegraphed a subscription for \$150,000,000 4 per cent. bonds and \$40,000,000 refunding



certificates, — the largest firm subscription, within the knowledge of the writer, ever made for any national loan.

The frame of mind in which this brilliant and unexpected closing of the funding loan found the Secretary, is probably best indicated by the following telegraphic reply, addressed to one of the officers of the bank : —

TREASURY DEPARTMENT, April 17, 1879.

Your telegram covering \$190,000,000 staggers me. Your telegram for \$25,000,000 received, and entered at two o'clock. About \$30,000,000 from other parties were received before your telegram. Will wait till letters are received. What is the matter? Are you all crazy?

JOHN SHERMAN, *Secretary*.

The Secretary declined the subscription for \$40,000,000 \$10 certificates, preferring to retain them for popular subscription in sums not exceeding \$100, and accepted the subscription of the bank for \$111,000,000, being the amount not taken before their telegram was received.

It may be noted, in passing, that the *popular subscribers* for the \$10 certificates found a pleasant profit during the next few weeks in availing of the liberality and consideration of the government by subscribing for the certificates, and selling them to the dealers in United States bonds at a handsome premium. Long lines of *investors* stood all night at the Sub treasury; and at the New York Post-office (where the certificates were also offered for sale) there were counted in line, before the hour of sale, on the morning of May 21, 405 women and 366 men.

On April 18 the Department issued a call for \$160,000,000 ten forties, and on April 21 for the balance of this loan, thus retiring all the bonds then subject to call.

During the year 1881 the redemption option of the government matured upon \$469,000,000 fives of 1881 and \$202,000,000 sixes of 1881 then outstanding; and, in the absence of special legislation providing for the emergency, President Garfield and Secretary Windom, with the consent of the holders, continued \$563,000,000 of them at 3½ per cent., payable at the pleasure of the government. \$250,000,000 of these extended 3½s were subsequently refunded at 3 per cent., and before the year 1886 the entire amount was retired from surplus revenue.

Since then the only outlet for the Treasury surplus has been by purchase of 4½s and 4s.

The Public Debt Statement for July 31, 1890, exhibits only \$700,799,000 interest-bearing debt, and a total indebtedness, less cash in the Treasury, of \$876,389,000, being a reduction from the highest point, in twenty-five years, of \$1,780,042,000, or an average of over \$70,000,000 per annum.

Our narrative surely presents a record of faithful performance of public obligation, unparalleled in the history of nations, and it now only remains a question of public policy whether this comparatively small remnant of the cost of preserving the Federal Union shall or shall not be entirely paid off before the close of the present century.

Referring to our title, let us briefly summarize what we have endeavored to present regarding the progress of the public credit since 1861.

At the close of Mr. Buchanan's administration, on March 4, 1861, the credit of the United States was practically destroyed.

During the war period it was advanced so that, with the exception of the first issue at  $7\frac{3}{8}$  per cent. gold, the administration was able to contract an indebtedness of nearly \$3,000,000,000, at rates of which 6 per cent. gold and  $7\frac{3}{8}$  per cent. currency may be regarded as a fair measure of credit; and this status continued, with slight improvement, until the first issue of the funding loan in 1871.

From 1871 to August, 1876, during which period the fives of 1881 were placed, the borrowing power of the government ruled close to 5 per cent. gold.

From August, 1876, to June, 1877,  $4\frac{1}{2}$  per cent. gold.

From June, 1877, to March, 1881, 4 per cent. gold.

During 1881  $3\frac{1}{2}$  per cent., and shortly after 3 per cent.

From 1886 to the present date, measured by the market price of fours, at 2 to  $2\frac{1}{2}$  per cent.

In closing, I will call attention to three measures which have stood as bulwarks of the national credit, which are still in force, and which should stand unrepealed until the last dollar of indebtedness disappears from the ledger of the nation.

1. The provision of the act of Feb. 25, 1862, for the gradual retirement of the debt by a fixed sinking fund.

2. The Public Credit Act of March 18, 1869, pledging the faith of the government to payment of all obligations in coin, unless otherwise stipulated by the law of their creation.

3. The Specie Resumption Act of Jan. 14, 1875, which gives the

Secretary of the Treasury unlimited power to provide coin for redemption of the legal tender notes by the sale of any of the classes of bonds authorized by the refunding acts of 1870 and 1871.

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NOTE.—At the present date (Aug. 1, 1892) the national debt, including the Pacific Railroad bonds and accrued interest, stands at \$920,438,987; but of this only \$585,030,380 bears interest directly chargeable to the Treasury, and the highest interest paid on this is 4 per cent. for about \$560,000,000. The Pacific Railroad indebtedness, assumed by the government under certain conditions, is \$64,623,512, on which the Treasury has either paid or will pay \$68,724,000, for which there is no reimbursement, making a total of \$133,347,512. But against this must be set off a sinking fund of \$15,983,991. The aggregate debt does not seem to be now decreasing, nor is it likely so to do for the present; but the later forms of Treasury statement are so different from those formerly in use that it is a little difficult to say what is the exact present indebtedness that must certainly be met. The certificates and Treasury notes now outstanding are \$619,675,803, of which \$331,809,304 are silver certificates.—EDITOR.

## 5. AIDS IN THE STUDY OF SOCIAL SCIENCE.

REPORT OF THE GENERAL SECRETARY, F. B. SANBORN, OF  
CONCORD.

[Aug. 31, 1891.]

*Members of the Association*,— It has occurred to me, in presenting my annual report, to recall how few and inexact were the aids to be found in the United States in the year 1865, when our Association was formed for the prosecution of those studies in Social Science which have now become so common, and even fashionable. No college curriculum is complete without some attempt to do justice, in its course of study, to the subjects which our Association was the first in this country to bring to general notice; and hundreds of young men and women are now devoting attention to matters which in 1865 scarcely drew a passing thought, except from a few State officials here and there, and a few of those who then elaborated the scanty and imperfect collections made by our national Census Bureau. There were, to be sure, scattered and confusing statistical writers, here and there, whose publications, even in the lines of commerce and currency, generally contradicted one another; and there were two or three persons of statistical accuracy, whose compilations were of great value, such as the late Dr. Edward Jarvis.


It was this scarcity of material for the investigation of social questions, indeed, which suggested to the founders of this Association the importance of bringing together in this way the persons interested in the development of civilization here, and in setting forth its results, and its unsolved problems, for the information and guidance of each other. However the conception of such a society as ours originated,—and I fancy it was obtained from the earlier society of the same name in England, now unhappily defunct,—the idea was communicated in practical form to the American public by my colleagues of the Massachusetts Board of State Charities, in August, 1865. This Board, the earliest of some fifteen which now exist in the United States, and which convene every year in the National Conference of Charities, had

found since October, 1863, when it was established, that the general information it sought in regard to the topics of Poverty, Industry, Insanity, Pauperism, Crime, and Disease, were very hard to obtain, because there was no common centre, to which such facts would naturally be drawn. Its seven members, therefore, after nearly two years of active service, united in summoning those persons interested in these and in other social topics to meet in convention at the Massachusetts State House in Boston, and there organize an association similar to that existing in England, and to another in Belgium. To this invitation about three hundred persons, from all parts of the Northern States except the extreme West, responded; and the American Social Science Association was then and there founded, under the Presidency of Professor William B. Rogers, then at the head of the Massachusetts Institute of Technology, but extending his regard over the whole field of science, as much as any man in America.

It may interest this audience to know that, of the seven men who invited the first meeting of our Association, six-and-twenty years ago, Dr. S. G. Howe, the eminent philanthropist, Dr. Nathan Allen, an instructive writer on population, and Messrs. Edward Earle, H. B. Wheelwright, Theodore Metcalf, J. C. Blaisdell, and F. B. Sanborn, the four last-named are still living, and keep up more or less their interest in the questions which we discuss.

Consider now, for a moment, what the course of the past twenty-six years has done to put knowledge concerning the numerous branches of Social Science within reach of those who would study them. I can only name a few aids, and perhaps not all the most important ones; but some of these, and what they can do, it will be well to mention.

That great instrumentality for collecting material that can be used inductively in our social studies—the United States Census Bureau—has grown to be of immense importance since 1865. The instant the pressure of our slave-holding system was taken off, and it was no longer thought necessary to collect and shape facts so as to injure the reputation of slavery as little as possible,—that is, from 1861 onward,—the national census became truly indicative of social conditions, though, of course, very imperfect both in its collection and its tabulation. Each succeeding issue of the decennial volumes corrects some gross errors of the preceding census, and enables us to judge better of the probable accuracy of its own tables and deductions. Perhaps the best lesson that this enormous



library of calculations, and frustrated or half-completed inceptions, can teach us, is this: that statistics, on which so many able men have depended, to teach the world politics, economy, philosophy, and morals, are but a frail dependence after all, unless corrected and employed under the guidance of great general principles, such as statistics alone can never teach us. Our honored correspondent, M. Levasseur, in his paper on Malthus, soon to be read, will show how weak and crumbling was the statistical foundation on which that humane Englishman built up his cruel and sceptical edifice of conjecture. Had he not been predisposed, by the abominable social system then active and applauded in England, to such conjectures, Malthus, with his kindly heart and his acute though limited penetration, could never have thought his facts, such as they were, basis enough for his positive and dogmatic inferences. We are glad to see this dogmatism refuted by M. Levasseur, in his calm, judicial, diffusive manner; but my townsman, Emerson, in 1858, addressing the farmers of Middlesex County, had pronounced a more pungent sentence on this heresy of Malthus and Ricardo. He said, a whole generation since:—

There has been a nightmare, bred in England, of indigestion and spleen, among landlords and loomlords; namely, the dogma that men breed too fast for the powers of the soil; that men multiply in a geometrical ratio, while corn multiplies only in an arithmetical; and hence, that the more prosperous we are, the faster we approach these frightful limits. Nay, the plight of every new generation is worse than of the foregoing; because the first comers take up the best land, the next the second best; and each succeeding wave of population is driven to poorer, so that the land is ever yielding less returns to enlarging hosts of eaters. Henry Carey of Philadelphia replied, "Not so, Mr. Malthus, but just the opposite of so is the fact." The last lands are the best lands. It needs science and great numbers to cultivate the best land, and in the best manner. Thus true political economy is not mean, but liberal, and on the pattern of the sun and sky. Population increases in the ratio of morality; credit exists in the ratio of morality. Such are the texts of better opinions and better auguries for mankind.

Well, the tables of each new census of these United States not only confirm the observations of Carey and of Emerson by showing that the lands last brought under cultivation are the highest in value,—for example, the cranberry bogs of the Old Colony in Massachusetts,—but also by confuting Malthus in most of his de-

ductive theories about pauperism and dense population, poverty, and the subdivision of lands, etc. The new census tables of 1890 indicate — for they can hardly be said to demonstrate anything as yet — that, as our population has grown more dense, pauperism has not increased relatively, but just the opposite. To be sure, they also indicate that insanity and crime, two great feeders of pauperism, are increasing, as, thus far, they always have when population grows more dense, unless Great Britain for twenty years past be an exception in regard to crime. But the census tables further show, or will, when they are made up, that the subdivision of great estates at the South is not unfavorable to agricultural production, and that the anticipated swallowing up of small farms in large ones at the North has not yet gone very far.

Quite as important for students in Social Science, and more immediately available, are the State censuses, wherever taken, as in Massachusetts, and those approximations to a State census which are made by the Labor Bureaus, Bank Commissions, and other State officers, including, here and there, a few (only too few, alas!) carefully collected vital statistics. Now that M. Levasseur has introduced, for these general statistical results, the concise term "Demography," we may perhaps hope to see demographic bureaus in State after State, which shall ultimately give us a yearly census,—the only form of these enumerations which can have any great accuracy for students of Social Science. What a field, for example, would the official "demographer" of this Empire State of New York have if he were once appointed and were competent to his task! A large part of his work would consist in correcting the amazing blunders now put forth from year to year by less instructed officials of his own State.

Invaluable for the census tabulators, though as yet very sparingly used by them, are the facts reported annually or biennially by the fifteen Boards of Charities, the twenty or thirty State Boards of Health, the twenty State Bureaus or Departments of Labor, and the few existing Prison and Bank Commissions in the several States. I do not mention Lunacy Commissions, because they have not as yet, when detached from other State Boards, contributed much to the public information, which, as regards insanity, is at a very low ebb in the United States, if I may judge by the newspaper fulminations on this delicate and most important subject. Every form of harmless, absurd, and noxious misinformation respecting insanity, its causes, conditions, and results, gets pub-

lished far and wide in our newspapers, and, too often, in grave official reports. Some half-dozen years ago a State Lunacy Commission, on which were two or three medical men, who seemed to see no nonsense in the proposition, passed a vote instructing the medical superintendents of State Hospitals to discharge no insane patient until he was cured. As the annual admissions since then in that State have been more than 1,600, while the deaths and recoveries have been but about 300 a year, this vote, if carried out, would have added some 5,000 insane persons in six years to the population of the already crowded asylums, and would have compelled the building of a huge one every year. Slowly the truth is dawning upon our medical men and legislators, which was long ago perceived and acted upon in Belgium and in Scotland, that the true policy for a community is not to crowd as many insane persons as possible into asylums, but to keep as many as is safely possible out of those overgrown establishments.

Not a single Lunacy Commission, State Board of Health, Labor Bureau, or Prison Commission existed, I think, in the United States when we organized the Association in 1865. There was but one State Board of Charities, as I have said, and that had made but one report. It existed till it had made fifteen, all more or less valuable for the facts they contained. It was then succeeded by another State Board in Massachusetts, with fuller powers,—among them those of a Lunacy Commission,—and this second Board has made twelve reports. The New York State Board of Charities has made twenty-three annual reports; that of Rhode Island, as many; that of Pennsylvania, twenty-one; that of Ohio, fifteen; and the other States, a smaller number, because they report only biennially. Now, all these volumes, if brought together, make a library by themselves; and if we add to them the eighteen volumes, small and large, of the National Conference of Charities, and the publications, some of them very valuable, of the New York State Charities Aid Association, the New York Prison Association, and the National Prison Association, a great collection of material, of much variety and importance, is available, in a dozen libraries throughout the country, for the use of students.

A few words may be given here to what this collection of reports will show concerning insanity and its treatment. The first observation made by these State Boards, now so numerous, in regard to the insane, showed, as do all the United States census tables, a large apparent increase of the patients for whom public provision



should be made. Now, although the asylums and hospitals for the insane were managed by persons of special experience and professional skill, who had brought the subject of insanity prominently before the public mind in the States mentioned, and had become recognized authorities as to its treatment, at that time (now twenty-five years ago) the opinion was almost universal that insanity was a disease easily curable, provided its treatment commenced early. And so the efforts of specialists and legislators went to secure this early provision for hospital treatment, no matter at what expense; while it was also maintained that the chronic insane, if not curable, yet had possibilities of recovery which must be favored by maintaining them in costly hospitals among the curable cases. Upon this theory, which was supported by statistics of recovery now shown to have been fallacious, the insane of a given State (like Massachusetts or New York) ought not to increase at all in number, if the State did its duty in building and maintaining costly hospitals. The State Boards were puzzled, therefore, in Massachusetts and New York at first, and presently in Illinois, Ohio, Wisconsin, and other States, to find that the insane *were* increasing rapidly, in apparent contradiction of the prevalent theory. The building of a new hospital, instead of diminishing insanity, seemed to develop it; and the accumulation of the insane was so uniform, in States very differently situated in other respects, that there must be some prevailing cause throughout the country for an effect so generally noticed. Gradually, and to a great extent in consequence of the essays of our veteran associate, Dr. Pliny Earle, on the curability of the insane, it was ascertained that insanity in general is by no means easily curable, and that its increase was due to the fact that so many persons were attacked, while so few recovered or died in a given time. This discovery, that the curable are at all times very few in proportion to the incurable, has led the State Boards almost everywhere to recommend and secure increased provision for the chronic insane, separate from the hospitals in which the curable are treated. This provision was made on a large scale in Massachusetts, New York, Rhode Island, Wisconsin, and other States, and was recommended elsewhere. In some States, like Pennsylvania and Ohio, the necessity for such chronic asylums is not yet fully recognized. But even there, and in all the States, except, of late, New York, the tendency is now in that direction. Still more will it be so when the numerous statistics collected and arranged by the State

Boards are perused and understood; for these demonstrate, not only that the insane, as a class, are not readily curable, even when they seem to recover, but that they are even less curable than formerly. The reports of almost every old hospital in the country show this, perhaps none more clearly than those of the ancient Pennsylvania Hospital, long directed by Dr. Kirkbride, and of late by a distinguished alienist of New York, the real founder of the Willard Asylum, Dr. John B. Chapin.

President White, in his address a year ago, in which he bestowed on your Secretary some compliments very acceptable, but not wholly deserved, spoke of the increasing study of Social Science in our universities, and particularly at Cornell. He has left it for me to say that nobody has done more than himself to promote this study, and that his own university was the first, so far as I know, to collect a store of books on these subjects in its great and useful working library. Such collections are now found in many places, and some of the best are in State Libraries; but they need to be made more available to students by short narrative and explanatory catalogues, showing what material is specially valuable, and for what reason. In my classes at Cornell University, where I lectured and made excursions for four years, with great pleasure and benefit to myself at least, I tried to give my students this kind of guidance in their reading; and it is quite necessary. I would suggest that our wealthier libraries appropriate money enough to have this sort of cataloguing thoroughly done for the whole country.

In mentioning the foreign books and periodicals which will aid an American in his researches in social economy, and the other regions of our almost boundless field, I have to regret that the British annual volume of *Social Science Transactions* has for some years past failed to appear and is not likely to be continued. Its place is more than made good, however, by the publications of the Le Play Societies of France, and particularly their periodical organ, *La Réforme Sociale*, and by the monthly *Bulletin* of the French "General Prison Society" of Paris, which considers a great many topics besides the prison question. Our corresponding member, M. Auguste Couvreur, of Brussels, has this year commenced editing another monthly review, the organ of the newly revived "Society for Social and Political Studies," which takes the place of an extinct international organization of philanthropists and economists existing before the Franco-Prussian and Austro-

Prussian wars a quarter of a century since. There is also a quaint and invaluable little German monthly magazine, the *Labor Colony* (*Arbeiter-Kolonie*), which keeps the public informed concerning those interesting new charities for the abatement of the tramp nuisance in Germany,—the twenty-odd Labor Colonies of Germany, and the innumerable Friendly Inns of that country. I speak of this because it is scarcely known at all in America, I believe.

Time would fail, and your exemplary patience be quite exhausted, were I to speak of the thousands of volumes concerning education, health, jurisprudence, political, and social economy, which have poured from the European and the American press in such abundance since the close of our Civil War. Literature of this sort is fast taking the place of those treatises on theology and those volumes of ecclesiastical polemics which are still numerous, but are giving way to systems, essays, manuals, and illustrations of Social Science, which have little to do with heaven or hell, but aim to make this pitiful little globe of ours a better place for us while we inhabit its crust. I ought to mention, however, the *magnum opus* of our associate, M. Levasseur, a portion of which he has kindly sent us for this meeting. It is in three octavo volumes of large size, and appears to be the most full and satisfactory work on demography and population which has yet been published, though, of course, not very complete or recent as regards the United States.

These European writings can assist us much in our American studies. But it should never be forgotten that they relate to an order of things and a system of society which, even now, are alien to our own country, although Europe and America approximate more and more, socially and politically, as time goes on. We must specially study the conditions, the advantages, the evils, and the vicissitudes of the United States; and for this purpose the new societies that are every year and everywhere springing up will be of the greatest assistance. We can hardly recite their names; but we know that some of them are energetic, some are learned, some are popular, and all may be useful. We bid them God-speed, but must ourselves adhere to this old homestead of the American Social Science Association, which has sent forth so many active children, and welcomes all of them who choose to come back and spend a morning or an evening with the old folks.

## 6. THE CARE OF EPILEPTICS.

[In the absence of Dr. Peterson at the General Meeting of 1892, when he proposed to bring forward the subject above named, no full treatment of it could be given by the Association. Dr. Peterson, since his return from Europe,—indeed quite recently, July 13, 1892,—has addressed the New York State Board of Charities on a “Plan for an Epileptic Colony,” which is sufficiently in detail to be given here.]

### OUTLINE OF A PLAN FOR AN EPILEPTIC COLONY.

BY FREDERICK PETERSON, M.D., ATTENDING PHYSICIAN TO THE NEW YORK HOSPITAL FOR THE NERVOUS AND EPILEPTIC.

It is a great pleasure to come before this Board, at the invitation of Mr. Letchworth and of your President, Mr. Craig, to speak to you upon a subject in which I have been deeply and earnestly interested and engrossed for five or six years, knowing that the law in this State has been passed, and that you are a commission appointed under that law, not only to select a site and prepare plans for an epileptic institution, but to prepare those plans on the colony system, with a view not only to the care-taking of this class, but to their education and their instruction in different trades and callings.

In this work we must lose sight of the word “institution” if possible. We must rather think of some small village. The less it is like an institution, the better. There should be no very large buildings; nor should there be a symmetrical arrangement of the pavilions, cottages, workshops, etc., such as has been made at Gallipolis, Ohio. Although the ideas as to the character of an epileptic retreat, such as I have always maintained and frequently described in various papers, were carefully instilled by me into the Ohio commissioners who visited me in New York with their architect, and although my instructions were, in the main, followed in the distribution of buildings and the determination of their character and purposes, yet it was not apparently possible for the architect to rid himself of the hospital, asylum, or institutional

idea ; and doubtless, too, the people in the vicinity were eager in demanding something imposing in the way of State architecture.

I. The first point, then, to be borne in mind is, that buildings should be arranged in a village or colony plan, separated entirely, often provided with their own little gardens, surrounded by hedges, so that they shall be as independent and homelike as possible. Though there should be system in their arrangements, there should be no symmetry, such as would lead to their designation as an asylum or an institution at first sight.

II. The second point is to keep in mind the aims of the colony.

(a) *It is to be a home.* A community of people cut off all their lives from ordinary social pleasures and pursuits by a malady that really robs them, in most cases but for a few moments, each day, or week, or month, or several months, of their faculties.

(b) *It is to be a school.* Denied education in public schools, the epileptic here receives such advantages as he requires, and each and every member of the colony, without regard to age, should be given the opportunity, if desired, of acquiring knowledge.

(c) *It is to be an industrial college.* All useful trades and callings are to be conducted in this colony. Hence provision for shops of various kinds must be made.

(d) *It is to be a hospital.* That is, every patient will be treated for his disorder, and there will be one building set aside for such as are feeble-minded or insane, or confined to bed.

III. The third subject for consideration is the probable percentage of the various classes. Roughly speaking, we should provide an observation building for new cases (five per cent.), hospital accommodation for, say, ten per cent., school buildings for fifteen per cent., and shops, residences, etc., for some seventy per cent. of workers.

IV. As to land, there should be from 300 to 400 acres or more, if possible diversified, but well adapted for agriculture, stock-raising, and the like. Out-of-door employment is one of the best means for treatment of epilepsy.

V. The colony should be situated in the centre of population because of ease of access for patients and advantages for the visitation of friends. But a far more important reason for placing it near the largest city of the State is, to secure the services of a visiting board of those gentlemen who make a specialty of nervous and mental diseases, and of an expert pathologist,—who together would make it one of the great objects of the colony to discover

the cause and cure of a disease from which some 120,000 people are suffering in the United States alone at the present time.

VI. Suggestions as to buildings and their arrangement:—

(a) The superintendent should have a private house to himself.

(b) The observation wards (five per cent. of cases), the infirm-ary wards (for the sick, infirm, demented, and insane, amounting to ten per cent.), and the administration building could be combined advantageously. The observation wards are for newcomers, who must be examined and studied for weeks at a time, in order to ascertain their character, their abilities, the nature of their seizures, and the proper kind of treatment for them to undergo. Between these should be the administration building, offices, rooms for one or two resident physicians, accommodation for members of a nurses' training-school, etc. Back of these again, but connected by a corridor, are the hospital wards, to be arranged not only for those who are sick from ordinary illnesses, but also for those who are too feeble-minded for work, or who are insane. Great pains should be taken to isolate the wards for excited patients to such an extent that no one will be disturbed by them. These buildings should contain small dormitories and private rooms. In some part of the hospital should be a hydro-therapeutic chamber, with walls and floor impermeable to water, provided with rain-baths, hot boxes, cold plunge, douches, and bath-tubs. There should be separate kitchens and dining-rooms.

(c) Remote from here a group of cottages for *women*, with extensive gardens for the raising of flowers, flower-seeds, berries, bees, etc.

(d) A group of cottages for *men* next to the gardener's house. These are the men who work about the grounds, caring for the trees, lawns, hedges, paths, and roads. The grounds will be made not only attractive, but instructive; for all trees and shrubs are to be labelled, and an effort should be made to establish not only a botanical garden, but a zoölogical one as well.

(e) A school building should be provided for children of both sexes of tender years. It should be their residence as well, and the school conducted on the kindergarten plan.

(f) A large school building for each sex, containing not only school and recitation rooms, but rooms for studying music, drawing, designing, architecture, modelling, and the like,—also rooms for teachers and some of the pupils.

(g) A museum, lecture-room, library, reading-room, and gymna-

sium, with a swimming-bath, might be advantageously combined in one building.

(*h*) A chapel.

(*i*) Stables for cows, sheep, pigs, horses, and dairy, with cottages for men detailed to see to the work required in this department.

(*j*) A farmer's house, with a group of cottages for men engaged in farm work.

(*k*) Shops. *For men*: 1. Tailors, shoemakers, and saddlers in one building. 2. Carpenters, painters, and glaziers, furniture-makers, and upholsterers in one building. 3. Blacksmiths, iron-founders, tanners, and locksmiths in one building. 4. Printers, book-binders, etc., in one building. *For women*: Sewing-room, dressmaking, millinery, fancy work, etc., in one or two buildings. Bedrooms may be combined with some of these buildings, the object being to scatter the residents as much as possible.

(*l*) A central kitchen, bakery, and store-room, combined with a cottage or two for the women who work here. From this central kitchen may be sent out to the various houses the chief articles of diet, which should always be simple,—bread, mushes, milk, eggs, and various groceries, soups, and meat once daily. Every cottage, however, should have its own dining-room and small kitchen for reheating some foods and for light cooking.

(*m*) Laundry, wash-room, ironing-room, mending-room, with a residence for those women who are occupied in this department.

(*n*) A pathological laboratory of the most recent design, fully equipped with everything requisite for good scientific work. This laboratory to be in connection with the mortuary, and remote from other buildings. A cottage not far away for the residence of the pathologist would be necessary.

While I have endeavored to delineate as well as possible the needs of a model epileptic colony, there are many things not mentioned here that will develop with the gradual evolution of the colony. For instance, if the land is such that quarries exist upon it, or that brick may be manufactured, a new industry would arise, requiring its particular cluster of buildings for work and residence.

The buildings that I have enumerated reach the figure of about thirty. The Bielefeld colony, with a thousand patients, had fifty-five buildings at the time of my visit several years ago. With the exception of the observation and hospital building, none of the buildings need to be specially planned to meet the wants of epileptics. They should be as much as possible like ordinary houses.

The ventilation should be by fireplaces and windows, as in ordinary town and country houses.

Each residence should have, if possible, a simple rain-bath, upstairs dormitories and bedrooms, with a sitting-room, small kitchen, and dining-room below.

It will doubtless be of advantage to make all buildings fire-proof. All the buildings need not to be constructed at once. A community of this kind cannot be provided for in a moment. It must grow into a colony by a sort of evolution, its wants being supplied, as they become manifest, through the intelligent direction of its superintendent and trustees. The inhabitants of this colony will, in time, be able to erect their own buildings as required.

And now a word or two as regards commitment. All patients under age can be sent by their parents, just as they would send children to boarding schools, transferring their parental authority for the time being to the officers and teachers of the colony. All other patients are to be voluntary denizens of the colony, except such as through mental impairment of any kind require confinement in the infirmary; and with these last the ordinary procedures taken in lunacy cases should be carried out, formally committing them to the infirmary of the colony.

NOTE.—Dr. Peterson has also written and published "The Bielefeld Epileptic Colony," *Medical Record*, April 23, 1877; "The Colonization of Epileptics," *Journal of Nervous and Mental Diseases*, December, 1889; "A Plea for the Epileptic," *New York State Charities Record*, August, 1890; "Progress in the Care and Colonization of Epileptics," *Journal of Nervous and Mental Diseases*, August, 1892.





CONSTITUTION,  
LIST OF OFFICERS, MEMBERS, ETC.,  
OF THE  
American Social Science Association  
AUGUST 15, 1892.

## CONSTITUTION.

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I. This Society shall be called the AMERICAN SOCIAL SCIENCE ASSOCIATION.

II. Its objects shall be classified in five departments: the first, of Education; the second, of Health; the third, of Trade and Finance; the fourth, of Social Economy; the fifth, of Jurisprudence.

III. It shall be administered by a President, as many honorary Vice-Presidents as may be chosen, a Treasurer, a Secretary, and a Council, charged with general supervision; five Department Committees, established by the Council, charged with the supervision of their respective departments; and such Local Committees as may be established by the Council at different points, to serve as branch associations. The Council shall consist of the President, Treasurer, and Secretary, the Chairman and Secretary of each Department, and ten Directors, with power to fill vacancies and to make their own By-Laws. The President, Vice-Presidents, Treasurer, Chairman, and Secretaries of Departments, and Directors shall be chosen annually by members of the Association, and shall hold office till their successors are chosen. The President, or in his absence a Director, shall be Chairman of the Council. The Chairman of the Local Committees shall be chosen at the pleasure of their respective committees. Whenever a Branch Association shall be organized and recognized as such by the Council, its President shall be *ex-officio* one of the Vice-Presidents of the American Association, and, together with the Secretary and Treasurer, shall be entitled to all the privileges of membership in that Association. And whenever a Local Department shall be organized and recognized as such by the Council, its Chairman shall become *ex-officio* a member of the parent Association. The Chairman and Secretary of each Department, with the consent of the President of the Association, may appoint such special Department Committees as they may think best. The General Secretary shall be elected for three years, unless he resigns, or is removed by a two-thirds vote of the members present and voting in a regular meeting of the Council; and out of his compensation he may pay the salary of an Assistant Secretary, who may also be Secretary of one Department.

IV. Any person may become a member by paying five dollars, and may continue a member by paying annually such further sum as may be fixed at the Annual Meeting, not exceeding ten dollars. On payment of one hundred dollars, any person may become a life-member exempt from assessments. Honorary and corresponding members may be elected, and exempted from the payment of assessments.

V. The Council shall have sole power to call and conduct General Meetings, and to publish the Transactions and other documents of the Association, The Department Committee shall have power to call and conduct Department Meetings.

VI. No amendment to this Constitution shall be made, except at an annual meeting, with public notice of the proposed amendment.

# American Social Science Association.

(Founded in 1865.)

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1891-92.

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## MEMBERS OF THE ASSOCIATION.

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[All officers are *ex-officio* members of the Association ; but persons serving on the Department Committees may or may not be members of the Association. In this present list, the annual members are given alphabetically, without reference to States ; then the life members follow, classified by States ; and, finally, the honorary and corresponding members. The only distinction between honorary and corresponding members is that the former reside in the United States, the latter in foreign countries. It is a rule of the Association to drop from the list of annual members those who have not paid their assessment for two years, but members so dropped can be restored to the list by paying their arrears. If former members do not find their names on the list as it now stands, it will generally be for the reason just mentioned.]

No List of Members of the Association, as printed, can ever be quite complete, so many changes occur by death and withdrawal, the accession of new members, etc. The following list is as complete as the Secretary could make it up to Aug. 15, 1892 ; but, no doubt, the addresses of several members are wrong, and there are instances of names misprinted, etc., of which the Secretary will thank any person to notify him when the fact is observed.]

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## ANNUAL MEMBERS.

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- Taylor, Prof. Graham, Hartford, Conn.



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## INTRODUCTION.

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The papers included in this number of the *Journal of Social Science* are more than half of the Saratoga Papers of 1892. As some misapprehension may exist in regard to the publication of papers by the Association, it may here be said that all papers engaged for the General Meeting of the American Social Science Association are so engaged, with the understanding that they may be printed in the *Journal of Social Science* if the Council so decide. If, therefore, the writers choose to publish their papers elsewhere (to which the Council offers no objection), it must be with the stipulation that these papers may also be published in the *Journal*, at the option of the Council as to the time of publication.

A list of all the Addresses and Papers for the meeting of 1892 was printed on pages v-vii of *Journal* No. XXIX.

CONCORD, MASS., Oct. 25, 1892.

## ADDRESS OF THE PRESIDENT OF THE ASSOCIATION, 1892.

### HAS THE STATE ABDICATED?

BY H. L. WAYLAND, D.D.

There had been trouble brewing in an iron and steel manufacturing town in Western Pennsylvania for weeks. There was no concealment, and in the end no surprise. At last, in the early morning, it was known that the Pinkertons were coming. You know the rest,—how from two of the morning till evening five thousand men on either shore of the river were firing at the Pinkerton barges with guns and cannon, and the Pinkertons were replying, till the latter surrendered. This was not a riot. It was war. And the essential state of war continued for ten days. The war did not grow; but this was a happy accident. There was nothing to prevent its growing. Suppose the Pinkertons had been five thousand, and had had a fair chance, why should there not have been a battle of a week, with five hundred killed instead of twenty?

There is force in the words of the great newspaper which is associated with the illustrious name of our eminent friend, whose serious illness every patriotic man, of whatever party, must deplore, Mr. Curtis: "It does not require an extraordinary flight of the imagination to fancy two of our great railroad corporations contesting the control of some district of territory, and employing two different private armies to win by force what cannot be won by peaceable means."\*

And all this time the State did nothing. When at last the State did arouse itself, the situation ceased. But did not the State begin at the wrong end?

A week or two later, much the same series of events was repeated in Idaho, in Tennessee, and in the State of New York, with the same prolonged silence of the State. In all these cases I am not at all speaking of the equities involved: I am only speaking of the State's inaction.

\* *Harper's Weekly.*

A few months ago, the Reading Road by a combine got control of the anthracite-producing regions. The next thing was a raise of price, which has several effects. It makes millions of people pay more for a necessary of life. It precludes many kinds of manufacturing, to which the difference in price of coal makes all the odds between success and failure. And, in diminishing the demand for coal, it diminishes the earnings — already too low — of the miners. These results the road is able to produce because, by combination, whether legal or not I do not know, it holds the coal.

And the State? Oh, as before.

As to food adulterations, Mr. H. W. Wiley, chief chemist of the Department of Agriculture, states that the fraud upon the American consumer amounts annually to \$700,000,000. If this sum were annually consumed in conflagrations, it would be bad enough. But it represents children starved, families poisoned.

And the State? Is just where it was.

This of food. And the same of medicines. Everywhere men are growing rich, are building palaces, by the sale of alleged cures for every disease. The sufferers, made credulous with pain and fear and despair, clutching at the hope of relief, spend the last shilling on what, in the majority of cases, is worthless and fraudulent, and often harmful.

The other day I found that a young working woman whom I know had been drawn into one of these endowment societies which promise to the innocent that, if he (more often *she*) will pay \$3 a month for eighteen months, he can draw out \$100, *provided* that a sufficient number of persons join, on the same terms, in the mean time. Thus an incentive is given to every member to draw in others. When the time of maturity (it might be called even over-ripeness) approached, some one in the company suggested to her that the society was not in a very flourishing condition, and indirectly advised her not to pay any more monthly assessments. She took the advice, and thus (as was intended) forfeited all claim to any return. An official, however, offered \$5 for certificates with full assignment of all claims, provided the certificates were brought in within a stated (very short) time. When the Massachusetts court inquired into the status, there were 53,000 claimants for \$100 each (or less, according as they had paid in), and there was \$52,000 of assets, or about one per cent. Just such societies are all the time putting out their prospectuses and offers.

The officers of the law know that it is all a lie ; but the State is deaf and blind.

Here are great cities dependent on rivers for their water supply. The city of Providence gets its water from the Pawtuxent. The villages and the manufactories along the river drain into it. A paper published in that city has lately given an account of the filth which is daily poured into the river, so revolting that I dare not quote it. The Schuylkill, which is the supply of Philadelphia, receives the drainage of Norristown, Conshohocken, Reading, and the towns of a dense mining region, and of several cemeteries. If a single case of cholera should occur in any of these cities, I do not see what would save Philadelphia from an epidemic, just as Providence was visited by typhoid from its infected water supply four years ago.

And the State is asleep.

Here is a village of one thousand people, living about a mill in which the fathers and husbands earn bread for their families. They are gradually paying for their homes, are sending their children to school. They understand the Constitution, though mayhap they do not all interpret it alike. Some of them fought in the great War for Liberty and Union, or their fathers did. They sustain their churches. Some of the children find their way to college.

One day, there is a question about wages or about time. Perhaps a protective tariff has been enacted, and the price of goods is raised ; but somehow it seems to these men that the enhanced profit and they are entire strangers. Then comes a strike or a lockout. Perhaps it is not unwelcome to the employer, who knows that he can get Hungarians or Italians for half-wages. The American-born citizens leave the homes which they have built. The schools are silent, for the foreign children are put in the mill. The American-speaking churches are closed. The village has become Italian or Polish, filled with ignorant, superstitious anarchists, addicted to assassination.

In these words I but faintly outline a picture which is drawn from real life and from personal observation by Mr. Henry Rood, in the September *Forum* (article, "Mine Laborers in Pennsylvania"). In Luzerne, Schuylkill, Carbon, Lehigh, and other of the coal counties, the mines were once worked by Americans, Irish, Scotch, Welsh, Germans, and English. The operators treated the miners as they chose. The men were compelled to buy everything

at the company store, at high rates. Presently wages were cut, the screws were tightened. Then came a strike. Then agents were sent abroad, who brought back thousands of Hungarians, Slavs, Polanders, Bohemians, Arabs, Italians, Sicilians, of the lowest class. These men would bear anything. They had worked in the old country for ten cents a day and upwards. Sixty cents a day was comfort. A dollar a day was bewildering opulence. The first instalment was followed by others; and every year the immigrants were of a lower grade. These men live in the most wretched hovels, massed together in filth, breeding disease and contagion. "Decent people hesitate about waiting in railroad stations near mining towns, for fear of being overrun with vermin or of contracting disease." "The police will tell you that the Slav, Bohemian, Italian, and the baser Polanders are guilty of nameless crimes and horrid vices." Murders are abundant, and are rarely punished, owing to the universal perjury. "Women hesitate to drive about the country roads by day: unarmed men are not safe after the sinking of the sun." Even the priests seem to have no authority, and are themselves in danger of assassination. Many of these men are naturalized, and sell their votes at a dollar a head. A large and rich tract of territory has here become denationalized, and has become a national peril.

And the State? The State is so speechless that the silent grave or the voiceless tomb is chattering loquacity in the comparison.

One almost welcomes the cholera panic as a blessing since, for the time at least, it suspends the incoming of a flood of moral and social and political contagion.

Here is a railroad working its employed twelve, fourteen, sixteen hours a day. Presently human muscles and nerves give way. There is a disaster. Twenty lives are lost, because a brakeman, half asleep, did not down brakes. The State might have known how much a man could bear, and where he would break down; but it did nothing, except, after all was over, to order an inquiry, which no doubt was a balm to the bereaved families.

Every year a little army of twenty-five hundred men, ten times as many as were killed on the American side at Bunker Hill, are slaughtered on our railroads while coupling the cars, because the roads do not adopt the automatic couplers.

A few months ago, I set out on a Thursday night from New York to New Haven by the steamer "Elm City." Next morning,

**we** were lying in Huntington Bay. There was a little wind. The **Captain**, who knew his boat, had put in. There we lay all Friday and Saturday. At last, famine began to stare us in the face; but **we** meditated with some cheerfulness that there were four hundred **dozen** eggs in the freight. We should not absolutely perish. However, there were several horses on board, who were not wonted to live on omelets. Late Saturday evening, we made New Haven light. The unseaworthy craft is still feebly traversing the Sound. Almost every week she has a disaster, just missing a catastrophe. Some day she will not escape it. And the State knows it all, and is silent.

Here are the great railroads, created and endowed by the nation, crossing the continent, running through the great farming States. In the words ascribed to Mr. Jay Gould, "they put on the traffic all it will bear." In other words, they load the grain with such a freight that the farmer gets little return, is unable to pay his interest and taxes, and presently he is added to the dangerous class of the landless.

And the State is too busy to give the matter attention. Here have been these Western mortgage companies receiving from Eastern men and women the savings of a lifetime, the dependence of old age. The companies offer to invest at seven to ten per cent. The offer seems fair: money is in demand out West; with the rapid rise of land and the hopes of good harvests, the West is willing to pay a liberal interest. Millions of money have gone West. The lenders had no means of assuring themselves of the good faith of the borrowers. And the result? Millions of dollars loaned on land not worth a year's interest; lenders left in old age destitute. And the State has left the lenders to gain wisdom by experience.

Here are the street cars, which have gained a monopoly of a necessary of life, thrown to them as a gift by the municipalities. I am not afraid to affirm that in the city of my residence the robberies by street cars vastly surpass the robberies by burglars and all the lesser forms of plunder.

West and South, West and North-west, men are grasping great tracts of land. There is no practical inconvenience now, but the time will come when an advancing population will need these lands; and the holders will demand their own price, for land will be a necessity, and the quantity of land cannot be enlarged, it cannot be diluted or expanded. In the States and Territories



where irrigation is a necessity, men have got hold of long tracts on the banks of the streams; and they have all the settlers at their mercy. And the State is silent.

The New York *Tribune* has been publishing a list of the millionaires of the country. In the city of New York there are 1,103. There are 4,047 for the whole country. Of course, it is impossible to state the average sum of their possessions. Probably there are few who rank as low as simply one million. They run up to \$50,000,000 or \$100,000,000. The other day, when it was incorrectly telegraphed that a citizen of the metropolis had deceased abroad, a paper put his means at \$150,000,000. Suppose we set the average at \$10,000,000, which does not seem extreme. This would make \$40,000,000,000, or two-thirds of the property of the country held by 4,047 persons. And the tendency is for this disproportion to increase. After a man has accumulated a certain amount, it is his own fault if it does not accumulate with constantly accelerating rapidity. A man of wealth can make anything succeed which would be failure with another. And in addition to the natural fecundity of wealth, surpassing that of rabbits and tramps and the Irish peasantry, the rich can always enlist the best genius of the world to guard against losses and to open new avenues.

When a man has so many millions, and controls a necessary of life, it is for himself to say how rich he will be. And, of course, if 4,000 men own two-thirds of the wealth of the country, it is a simple problem in arithmetic how much is left for the remainder of the 65,000,000.

There may be sanguine souls who see nothing alarming or disturbing in this future. I am not of these. I stand appalled at the prospect, or at least at the possibility. But I am reassured by the fact that this is a country of universal suffrage and of a free press. I do not anticipate aught of violence. Where there are votes, they will tell in a peaceful revolution.

But you say, "You are only making your complaint: this is idle, unless you propose a remedy." I do not agree to your position. It is well to diagnose the case, even before we are prepared with a cure. The first thing is to find out *if* anything is wrong, and *what* is wrong.

But, if you ask me for a remedy, I should answer by adapting to the occasion the famous words of Abbé Sieyès: "What has the State been? Nothing. What is it? Something. What do we

mean it to be? Everything." You ask what I would have the State do. It is a large question. I will, however, make a beginning by citing from "Imperial Germany" (an English book) the following notice issued by the German government:—

*Warning against Patent Medicines.*—An official scientific analysis of a medicine under the name of Schlagwasser, manufactured by Roman Weissman of Vilshofen, has shown that it consists of nothing save a little tincture of *ratanhia*, or *kino*, mixed with tincture of arnica, the value of which is between 2½*d.* and 3½*d.* It is sold at 8*s.* a bottle. It is evident that this decoction does not possess the virtues attributed to it.

If our government took such a step, it is quite likely that there would be fewer brown stone palaces; but there would be more money in the pockets of the people, and more sound livers in their bodies.

As to food, Germany punishes the dealer who sells an adulterated article with fine and imprisonment, even though he is proved ignorant of the adulteration. With us it is stated on good authority that unadulterated sugar, coffee, tea, lard, honey, are hardly to be found. It only remains to adulterate the adulterations. But, in fact, we have passed beyond that point.

The author of "Imperial Germany" also says that the State control of savings-banks and kindred institutions in Germany has been so effective that they show a wonderfully clean record. Spendthrifts and drunkards will soon be deprived of the control of their own property. Similar results come from the State control of railroads, telegraphs, refreshment bars, restaurants at stations.

If it is said that this system involves despotism, that is not at all proven. And it certainly is lamentable that the government calling itself the freest in the world should be the only one that allows its people to be robbed and poisoned with absolute impunity. It is simply impossible for the citizen to protect himself against adulteration, against robbery by street-cars. He has not the scientific knowledge to analyze every article of food. He has not the time to claim redress for every robbery.

Now and then there is a man of the Spartan mould of my dear friend, Dr. Henry Clay Trumbull of Philadelphia, who, when defrauded of 75 cents by the N.Y. & N.H. Steamboat Company, entered suit against the company, and forced them to refund the plunder with interest and costs. All honor to him! Alas that he is so few and solitary! Most of us would have contented ourselves

with some such entry as dear, delightful Mr. Lowell makes in his "Moosehead Journal":—

We embarked on the little steamer "Moosehead," and were soon throbbing up the lake. The boat, it appeared, had been chartered by a party, this not being one of her regular trips. Accordingly, we were mulcted in twice the usual fee, the philosophy of which I could not understand. However, it always comes easier to us to comprehend why we receive than why we pay. I dare say it was quite clear to the captain.

As to the swindling endowment companies and the Iron Hall, as to the calamitous destruction of forests, as to the sweating system, as to child labor, as to the railroad employed who are worked till nature gives way, as to railroad hands slaughtered, I am sure there cannot be a diversity of opinion concerning the duty and the power of the State.

I come to the matter of the great industrial disturbances. Here are strikes; here are lockouts; here are combinations of the employed, union men refusing to allow non-union men to work; here are combinations of employers, several companies consolidated into one immense corporation, with capital passing the imagination; here all the manufacturers in one line combining, and agreeing that, if there is a strike in the shop of one, all the shops shall shut up till his employed have returned to work. Here is a vast loss to everybody, to the immediate community, to remote workers in connected industries; a hundred ships wait in vain for their cargo; and, in the end, perhaps blood; and almost surely the introduction of a mass of foreigners, with results to which I have alluded. Shall not the State act before the evil is under way? If the State is to come in at the finish with the bayonet, shall it not come in at the start with the balances?

The duty of the government to interfere for the restriction of immigration is all the more pressing from the fact that excessive and indiscriminate immigration is the direct result of measures adopted by the government. The government imposes high protective duties. The object of this is to deprive the foreign manufacturer and laborer of an American market. Deprived of the opportunity to labor, what shall the Italian or German or Hungarian do? He comes over to America, and offers to do the work of the American mechanic at one-third wages. The result is not far to seek.

I cannot believe that the ideal of human destiny is found in the

status described by a writer in the August *Contemporary Review*, “It has become obvious that five-sixths of the population of Great Britain must continue to be hired servants, dependent on the owners of capital and land for leave to earn a living.”

The Massachusetts Board of Arbitration, though with only moral powers, in the year 1890 brought peace in every case which was frankly intrusted to its mediation. What would not a Board of Arbitration have saved in the one disturbance at Homestead? And a board should have not alone moral weight: it should have behind it the whole force of the State.

The accumulation of fortunes in few hands is a subject that is no doubt involved in difficulty, largely through our superstitious idolatry of “the sacred right.” But it is not insuperable. New Zealand has adopted the principle of progressive taxation,—taxing the property of the rich at twice the rate of the poor. This, though but a step, yet is in the right direction. Estates and inheritances are taxed progressively. And no doubt we shall presently provide for the equal division of the property of a parent among his natural heirs, so that no longer shall a vast estate descend to a single heir, to be swollen, through another generation, into yet more gigantic proportions. Jeremy Bentham urged that taxation need not be limited to the supply of funds for the bare administrative necessities of the State, but that wisely handled, it also supplied an admirable means of gradually equalizing private fortunes.

An English writer says: “Aristotle said that the salvation of a nation in a crisis must lie in its *middle classes*. The tendency with us is to increase property in the hands of a few individuals, leaving an impoverished middle class and cutting off the hope of the poorer classes ever rising into the middle class. The problem of the moment is to prevent this accumulation of immense fortunes in few hands, and to spread this wealth throughout the country.”

Against all these imperfect suggestions, I hear the frenzied cry, “This is Paternalism! this is Socialism!” I sincerely hope that we have passed beyond the age of being frightened by names. All government is Socialism in some degree: it is only a matter of more or less. If you talk about Paternalism, it makes a great difference whether the *father* is a youthful *Kaiser* or whether it is ourselves. What is the State? It is you and I and all of us. Now, if we choose to be our own father, to govern ourselves in a paternal way, if we say, “We, the 65,000,000 represented in the

government, will do for the individual citizen what he cannot do well or at all for himself," is it any harm?

But a yet shriller cry is raised. "You are violating the right of property, the most sacred right in the universe." Pardon me. We are not disturbing the right of *property*: we may perhaps disturb some of the alleged rights of *possession*, which is very far from being the most sacred thing in the world, which is one of the least sacred, which is one of the most blood-stained and tainted. When I consider the origin of great fortunes, the beginnings of the wealth of the ducal houses of St. Albans, of Richmond, of Grafton; when I think that till a few years since every ton of coal that came up the Thames to London paid a tax to one of these dukes because his great-grandmother was *not* the wife of Charles II.; when I remember the estates that were created by slave-trading or by slave-working, by rum, by wholesale robbery, the great landed properties that were stolen from a former possessor who had no right to them, and given by a king who had no right to them to a loyal retainer who had no right to them, and then hear men chatter about the sacredness of possession,—I stand speechless at their effrontery.

Once possession in slaves was considered peculiarly sacred, till light was shed on the subject by the ignition of a vast amount of gunpowder. Once the right to take possession of every wreck that came on the shore was deemed very sacred, and men used to pray that it might be a good year for wrecks. Once a man's right of possession in his wife and in his children, his right to task, to beat, to sell, to kill, was unchallenged. Once the divine right of kings was as sacred as now is the right of possession.

Property is sacred. What is property? Character is property. A man's honor, a woman's virtue, a man's own soul, a man's life, a man's right to his belief, his right to liberty (unless he has forfeited it),—these are, in a true sense, property. They do not so much belong to a person as they are of him, are a part of himself. He may not alienate them, he may not dispossess himself of his character, of his purity; nor has any one a right to dispossess him.

But possessions? We constantly go on the principle that the State may at will dispossess a man of his house, his land, his goods. The recent land legislation of Great Britain, under the leadership of the immortal old man who will live in history by the elevation of his own character and by the extent and the value of

his public services, has ignored and trampled on the alleged "sacred right." When he decreed that the landlord should reduce the rent which the tenant, under so-called freedom of contract, had agreed to pay; when he enacted that the landlord should sell, whether he would or not; when he made a law that, in case of a tenant owing more than he could pay, the crown should pay one-third, the tenant another third, and the landlord should give the other third,—he established the great truth for all time that there is no sacred right of possession, that the public welfare takes precedence of all else.

The late Lord Justice Bramwell said: "I have no superstitious reverence for the institution of separate or private property. Show me that its abolition would be for the general good, and I would vote for it, letting down the present possessors gently." I by no means go so far as his lordship; for I am a very calm, cautious conservative. I merely assert that private possession is secondary to the public welfare, and that the great supreme law is the good of all.

We in our every-day experience see the same principle dominant. If you own a lot on Broadway, may you set up there on your own land, with your own money, a dynamite factory, a powder house, an oil refinery? You might, indeed, set up a saloon, a gambling hell, if only you "saw the police" first; for that is the one kind of possession that is sacred in the good metropolis. The right of possession is hedged in on every hand by the rights of others and by the welfare of the community. If the State may on occasion take a man's life, putting him or his son into the army, shall we say that his *money* is sacred from interference if the public welfare make a demand?

I notice that the Governor of Newfoundland, in his address to the colonial legislature called together to devise means for rebuilding the city of St. John, said, "If excessive rents are demanded by land-owners, the attention of the legislature will become necessary." In other words, the holders of property must not use their possessions in a way to be prejudicial to the public welfare.

President Schurman, of Cornell, in an address at Chautauqua (and he who speaks at Chautauqua speaks to the world), said:—

Private property in itself is nothing sacred. . . . There are unjust laws and institutions and sentiments yet to be overcome in the interest of manual laborers: strikes have been effective means

for the correction of much injustice. . . . It is irrational to suppose that strikes can always continue. What can we substitute? I suggest courts of arbitration, like the courts established by the British Parliament to arbitrate between landlords and tenants in Ireland. The State has an interest in the use of capital and labor, especially when aggregated in large masses, which is perhaps paramount to the interest of the capitalist or the laborers directly concerned. The legislature certainly has the right to enact laws compelling the arbitration of differences between employers and employees. . . . In most strikes both parties are at fault,—the capitalist because he adheres to the letter of the law, and the employee because he violates the law. The latter is animated, however, in many cases at any rate, by the spirit of ideal justice, which it is the duty of legislators to embody in law.

Has a man a right so to use his mill as to dispossess a thousand American citizens, and to create a mob of ignorant, superstitious, passionate foreigners, who shall be a curse and a menace to the State, who shall be the raw material of riot, of savagery, of murder, of everything that is threatening to our civilization? Shall there not somewhere in the resources of civilization be found a remedy?

In the September *Forum*, ex-Lieutenant Governor Black, writing upon "The Lesson of Homestead," says:—

Capital massed on one side and men massed on the other make a situation to which neither the common law nor the statute law of our foregoers is at all adequate. . . . A dispute between an employer and eighteen thousand men . . . cannot be satisfactorily disposed of by ordinary judicial procedure. . . . No man in civilized society can do what he pleases with his own. . . . His property, no less than his life, is held at the call of the State. . . . Mr. Carnegie's business, and the business of other men situated like him, challenge public regulation by reason of their very immensity, to say nothing of the public contributions to them by the unjust operation of monopoly tariff laws. . . . If the State chooses to say him nay, and to lay down the limits of his freedom, he can have no right whatever to go on dealing with three thousand men here and five thousand men there and ten thousand men elsewhere according to his private impulses. All private property is held and enjoyed subject to the public safety; and the contention that great plants like that of the Carnegie companies, built up mainly by public bounties, are exempt from the rule, would be nothing short of monstrous.

In the matter of the Reading leases Chancellor McGill, of New Jersey, says:—

Corporate bodies that engage in public occupations are created by the State upon the hypothesis that they will be a public benefit.

When, therefore, it appears that such a corporation, unmindful of its plain duty, acts prejudicially to the public, it uses its powers in a manner not contemplated by the law which confers them. The Reading leases were beyond the power granted by the legislature, and also void on the ground of public policy, in that they tended to the creation of a monopoly by stifling competition between the contracting corporations, and thereby to increase the price of anthracite coal. . . . To say that these conditions do not tend to a disastrous monopoly in coal would be an insult to intelligence. It is possible that such a monopoly may be used, as the defendants suggest, to introduce economies and to cheapen coal; but it does violence to our knowledge of human nature to expect such a result. . . . If once a complete monopoly be established by the destruction of competition, . . . the promoters and sharers in it may have whatever price their cupidity suggests. The disaster which will follow cannot be measured.

But, further, you speak of the security of possession. Is not security enhanced when possession, no longer concentrated in a few thousand hands, shall be distributed among the tens of millions? Is a pyramid more secure for resting on its apex?

And may we not go further, and believe that one day the idea of the State may expand into the Commonwealth of States, and that the new Commonwealth shall be charged with the welfare of the race? Shall not the time come when it will be reckoned unlawful for any member of this Commonwealth to do any act which is prejudicial to the common weal? Is it always to be tolerated that a great empire shall debase a portion of its people, and then shall force them to exile themselves, and to come upon shores where the people are guiltless of their wrongs, and where their incoming—filthy, savage, more than brutal—is a curse and a calamity, reducing wages, and debasing the national standard?

Already we go on the principle that the great, unused continent belongs, not to Mtesa or Mwango or some other savage accident, but to the human race, to the Commonwealth of Nations. So does not the world belong to him who can demonstrate his title by the use he makes of its possibilities? The Arabs insist on the sacred right of carrying on the slave-trade in the heart of Africa with the sagacity, with the endurance, with the unscrupulousness of first-class demons. Surely, the Commonwealth of Nations has the right to suppress this traffic as it suppressed the trade on the high seas, as it interfered in behalf of Greece two generations ago, and crushed Turkey at the battle of Navarino.



There is fear that Mr. Gladstone may feel compelled by some fantastic notion to withdraw from Egypt, and to leave once more the wretched land which has profited so immensely by the British protectorate and oversight, to another century of misrule, of crushing despotism, of public robbery. No! Egypt does not belong to the naked fellaheen or to some infamous Khedive. It belongs to the Human Race: it is for the Commonwealth of Nations to determine its future in the interests of humanity.

## THE GENERAL MEETING OF 1892.

The order of business at this meeting was printed in the Journal No. XXIX., and was followed at the sessions August 29–September 2, inclusive. The address of President Wayland, the Secretary's Report, and many of the papers there read appear in this number of the Journal. During the session the announcement was made of the death of Mr. Curtis, long a member, and for some years President of the Association. Upon motion of Professor Wayland, of Yale College, the following vote was passed:—

*Resolved*, That in the death of George William Curtis, a former President of our Association, always in full and active sympathy with our aims, and from time to time enriching our annual meetings with papers of great value and interest, the world has lost a social reformer whose labor and reputation cannot be confined by national boundaries; his country, its first citizen in the domain of courageous and enlightened philanthropy; and our organization, a member whose career has ever been an example for our distant imitation.

Hon. Andrew Dickson White, a former President of the Association, having been appointed Minister of the United States in Russia, and being about to sail Thursday, September 1, upon motion of F. B. Sanborn, the following vote was passed:—

The American Social Science Association, meeting at Saratoga Springs, cannot allow its honored associate and recent President, Hon. Andrew D. White, LL.D., to leave these shores in the service of the country without expressing to him its high appreciation of his valued services in connection with this Association, as well as his labors for the promotion of pure legislation and good government and the interests of America, both at home and abroad. It is especially gratified that the country is to be represented at the court of St. Petersburg by a man whose historical studies, as well as his own experience and observation, have given him a sincere attachment to the institutions of his native land. The Association instructs its officers to convey to Dr. White, upon his embarkation, this expression of respect and of sincere good will.

After the annual election of officers, whose names appear on page xxii of this Journal, the Association elected as an honorary member Irving J. Manatt, LL.D., now consul of the United States at Athens in Greece, and Professor Elect of the Greek Language in Brown University.

The debates of the General Meeting, not being fully reported, cannot here be given; but some mention should be made of the address of Dr. William W. Keen, of Philadelphia, made in the Department of Health, August 31, on Brain Surgery. Dr. Keen has made this subject his specialty, and stands at the head of it in the United States. His address, wholly unwritten and illustrated by excellent drawings on the blackboard, dealt first with the localization of brain function, which has made the new art of brain surgery possible and useful, and gave a brief demonstration of cerebral localization, showing first where the motor centres in the human brain are placed, and then where the other centres corresponding to the sense of sight, of hearing, etc., have been ascertained within the past twenty-five years. This important discovery of Cerebral Localization has been determined chiefly in three ways:—

1. By experiments on living animals, whose brains have been observed under the galvanic battery, and by other tests.
2. By close observation of the effects of disease and injury of the brain of man.
3. By many operations on the human brain, based upon what was discovered by the two former methods.

This was the first part of the address, and was made very clear to the whole audience. The second part began with relating and explaining the introduction of the antiseptic method in general surgery, as being of especial importance when applied to operations upon the skull and brain of living men. Dr. Keen then related from his own experience, and from that of Victor Horsley, the chief brain surgeon in England, and other skilful surgeons in this specialty, what it has achieved in the way of restoring a diseased or wounded brain to healthy action, or in relieving suffering, and the otherwise fatal progress of such injuries. These achievements and experiments he classed under the following seven heads, to all of which he gave full attention during his address of an hour's length:—

1. Compound fractures of the skull.
2. Abscesses in the brain.
3. Hemorrhage inside the skull.
4. Insanity, inveterate and severe headache, and allied disorders.
5. Tumors in the brain. (a) Radical treatment by extirpation of the tumor. (b) Palliative treatment by trephining.
6. Epilepsy.
7. Idiocy from defective development of the skull and brain.

This subject of Localization was followed up, later in the evening of August 31, by a valuable address from Dr. Frederick Peterson, Chairman of the Health Department, on "The Old and the New Phrenology"; and the members congratulated themselves that such a full account had been given of these latest advances on the physical side of mental science.

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## MEMBERS OF THE ASSOCIATION

ADDED SINCE THE LIST OF AUGUST 15 WAS PUBLISHED.

BUCKLEY, J. M., 150 5th Avenue, New York.

COOKE, GEORGE WILLIS, East Lexington, Mass.

FERREE, BARR, 281 Broadway, New York.

HARNEY, GEORGE F., Saratoga Springs, N.Y.

HASTINGS, HORACE L., 47 Cornhill, Boston, Mass.

LOGAN, WALTER S., 58 William Street, New York.

MARTIN, MISS MYRA B., 38 West 38th Street, New York.

STARR, MISS MARION E., Burlington, Ia.

SWIFT, EDWARD Y., Detroit, Mich.

TAYLOR, GRAHAM R. (new address), 81 Ashland Boulevard, Chicago.

The address of Mrs. H. Herrman, a life member, should be 59 West 56th Street, and not 66th Street, as recently printed in our lists.

The new honorary member, chosen at the Saratoga meeting, is Irving J. Manatt, Athens, Greece.

The address of one of our French corresponding members should be Emile Cacheux, 25 Quai Saint-Michel; and the name of Professor Daniel Wilson, deceased, should be dropped from the list of honorary members.

# American Social Science Association.

## OFFICERS OF THE ASSOCIATION.

1892-98.

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*First Vice-President*, ANDREW DICKSON WHITE, St. Petersburg, Russia.

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[During the expected absence of the General Secretary in Europe, after November 5, his address will be care of Baring Brothers, London; and Mr. F. B. Sanborn, Jr., of Concord, will be Acting Secretary.]

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## SIR DANIEL WILSON.

Died at Toronto, Canada, Aug. 6, 1892, SIR DANIEL WILSON, LL.D., F.R.S.E., member of the *Société d'Anthropologie de Paris*, Honorary Member of the *American Social Science Association* and of the *American Association for the Advancement of Science*, etc., etc., and President of the University of Toronto.

What Sir Daniel Wilson *did*, it is not difficult to record : what he *was*, it is almost impossible to estimate.

When he came to Canada at the age of thirty-seven, in the year 1853, he created at once a profound impression. Admiration of his rare natural gifts and his great attainments, scientific and literary, was mixed with a not unnatural curiosity as to what had brought him. How could London or Edinburgh spare such a son ? He brought with him many testimonials to the position he had won, among them a solid silver service from the Archæological Society of Scotland. Lord Elgin was just appointed Governor-General, and one of his first duties was the building up of the University of Toronto. This institution had been magnificently endowed in the interest of the Church of England, in 1843. The endowment led to the immediate formation of similar institutions in the interest of the Wesleyans and Presbyterians, and a bitter political struggle began. The result was the secularization of the University of Toronto. It was denuded of its Theological Faculty, the Professorships of Law and Medicine were abolished ; and, while the College was made a teaching institution for the Faculty of Arts, the University continued to exist only to carry on the examinations and confer degrees.

It was the historian Hallam who, in 1852, directed the attention of Lord Elgin to the brilliant young man, whose name was already known throughout Europe ; and a few interviews induced Lord Elgin to insist on Wilson's accompanying him to Canada.


Daniel Wilson was born in Edinburgh on the 5th of January, 1816. He was the second son of Janet Aitkin and Archibald Wilson, a prominent merchant.\* Archibald Wilson must have

\* Daniel Wilson came of a distinguished family, Professor George Wilson, the well-known chemist, who wrote the Life of Edward Forbes, was his brother, while his sister Jessie, who wrote the life of her brother George, is the wife of James Sime, the author of a Life of Lessing.

died young, for his son was accustomed to speak of his own early years as years of privation and hard work. He was educated at the famous High School of his native city, and went from that to its University. As soon as he was graduated, he went to London, and did not return to Edinburgh until he came ten years later, crowned with honors won in its crowded streets. He used to point to a long row of small volumes on a retired shelf as the "pot-boilers" of this period, and confessed that there were many more of which he could not even remember the names. American children found among them, with delight, their favorite translation of the "Swiss Family Robinson." At this early age he was a welcome contributor to all the magazines, both Scotch and English, and, as long as he lived, to every edition of the *Encyclopædia Britannica*. On many subjects he was a recognized authority. During his ten years in London he was known as a most skilful draughtsman and engraver. After the death of Walter Scott a memorial edition of the *Waverley Novels* was issued. It was a folio, splendidly illustrated, and consisted of five hundred copies. The drawings and engravings were a free gift to the publishers, a labor of love on the part of the artists. Daniel Wilson contributed a drawing of Holyrood, and engraved it himself. The drawing, which has been long in my possession, always arrests the attention of connoisseurs.

He had received the degree of LL.D. from Aberdeen before coming to Canada, and had won his spurs by the publication of the first edition of "The Memorials of Edinburgh in the Olden Time." His "Life of Cromwell" was followed by a "Life of Chatterton," and by "Caliban, a Shakespearean Study." Then came "Reminiscences of Old Edinburgh," his "Anthropology," "The Prehistoric Annals of Scotland," and later his "Prehistoric Man." This was followed by that delightful work of love, the *Memoir* of his early friend, William Nelson. Just before his death he published an interesting monograph on "Left-handedness." He was knighted by the queen in 1888, and in 1890 published the second *authorized* edition of the "Memorials of Edinburgh," fully illustrated by his own hand.

The original edition having been published in 1847, Dr. Wilson interleaved a copy at once, and began to correct errors, annotate questions, and prepare for a new edition. Absorbed in college work, he was ignorant of the expiration of his copyright, and in 1872 had been shocked by the appearance of an edition which he



had not authorized, about which he had never been consulted, and which not only perpetuated some early mistakes, but added to their number through the presumption of an incompetent editor. It was not until Adam and Charles Black offered him the supervision of a new edition that Sir Daniel's dearest friends became fully aware how he had suffered from this outrage. The Black's edition was issued in 1890, enriched by new drawings and characteristic sketches, contributed by his early friend, Charles Kirkpatrick Sharp.

He returned to Edinburgh often during his last years, renewing his intercourse with Lord Tennyson, the Duke of Northumberland, and his cousin, Mrs. Oliphant, whose great powers as a novelist and a woman of business he had been among the first to acknowledge. On his last visit he had the pleasure of seeing St. Margaret's Chapel in the Castle at Edinburgh, the oldest building in his native city, fully restored after his own plans and drawings, executed with scant expectation that such a work would be undertaken in his lifetime. It was done with the consent of the city by his friend, William Nelson, at an expense of £10,000. In the summer of 1891 the "Freedom of the City" in a costly silver box was presented to him with suitable ceremony.

This is an incomplete summary of his literary work, but those who can remember the Canada of 1853 will never forget the momentum that his associations and his character imparted to its intellectual life. His dignified and alert presence, his elastic step, the enthusiasm which kindled the aspirations of others, could not go unmarked; but there were few persons in the Province at that time capable of estimating the man. Canada knew him not for what he was, but as her most prominent educational force. He has made the University of Toronto what it now is, the leader in all intelligent, intellectual effort, and has opened the vista for all coming years. In this University he accepted, at Lord Elgin's instance, the Professorship of History and English Literature. His breadth, liberality, and tolerance made themselves felt at once, but as an Examiner he distanced all competition. The methods he introduced forty years ago are still pursued by Professors who were once his students. The quiet of his scholarly life was, however, often rudely disturbed. In a sharp contest before Parliament with Dr. Ryerson, the Minister of Education, in which he acted as Counsel for the University at the request of the College, he defeated the appeal for the subdivision of the endowment. He did



more than any other man to overturn the denominational influence in education, and pursued the interests of his trust with a vigor and activity peculiar to himself. In 1881 he succeeded Dr. M'Caul, the first President of the College. The ten years which followed were marked by an extraordinary advance. The Medical School has been restored, and the Faculty of Arts had in 1891 five hundred pupils. A foundation for a Law School has been laid by an ingenious use of the Department of Political Science, and the University has been led to co-operate in the examinations of the Secondary Schools. For six years women have been admitted to the College and the University, and now constitute one-fifth of the whole number of students. Sir Daniel resisted the entrance of women for some years, until he could adjust it in what he considered a perfectly safe manner; and that led to the unwarranted conclusion that he was opposed to their Higher Education. Six years ago the Hon. George W. Ross, who had succeeded to the office once held by Dr. Ryerson, called for a Conference on University Federation. All the Universities were represented, and Sir Daniel had the delight of seeing a beautiful structure erected in Queen's Park for the accommodation of Victoria's staff and students. He became himself the President of the new University with its federated colleges. During all this time he was exercising a steady local influence in politics, education, and philanthropy. He had been made one of the Foreign Associates of the Anthropological Society of Paris. He was President of the Canadian Institute, and in 1882 was named by the Marquis of Lorne as Vice-President of the Literary Section of the Royal Society of Canada, and in 1885 became its President. He edited for years the "Canadian Institute," and the "Transactions" of the Royal Society. The press of Canada in general has borne witness for forty years to his untiring industry. The enthusiasm he kindled in his students has been noiselessly but steadily uplifting all Canadian life for the last quarter of a century.

A nobler influence still he steadily exerted. He was a thoroughly Christian man, but not a bigot. He was once hissed in a public meeting for deprecating the use of the word "dissenter." "We have no established church in Canada," he said: "the term is inapplicable, and needlessly offensive." He was one of the founders of Wycliffe College, was for some years President of the Young Men's Christian Association, and devoted a great deal of time to the "Newsboys' Home." It was a pleasure to watch him in his

half-humorous intercourse with its inmates, and it never occurred to him to relinquish his visits in order to sustain his dignity as the President of a University.

On the 14th of February, 1890, the University of Toronto was burned to the ground. How could he bear it, this man of seventy-four? There was no need to wait for his first letter. Events told the story. A waiter had fallen with a tray of lighted kerosene lamps, prepared for a college festivity. The woodwork had been lately oiled. For the moment no water was available. The President was one of the first to reach the spot. His elastic figure was easily recognized, as, hurrying from point to point, he took direction, and brought order out of chaos. When he went home at midnight, he left only blackened walls behind him. Before he slept he had matured his plan of action. "The building is gone," he said to his daughter as he entered the house. "Never mind, it was far too small for us: we shall soon have a better." He was full of hope and energy,—not for one moment "shattered," as all had feared and some have since said. No *young* man could have rebuilt that University within a year. "I know," writes his only surviving daughter, "that on Saturday, February 15, he went at once to the Legislature, and asked for a grant, which was given; then with the Vice-Chancellor to several wealthy citizens to ask for donations; to various affiliated colleges round about to ask for the use of rooms. At five in the same afternoon he met the members of the Faculty, and made all the arrangements for the following Monday, February 17. Lectures began at nine o'clock on that day, in rooms which he had already secured. We were very proud that not one lecture was missed."

But his life-work was imperilled, if not destroyed. The task before him was a heavy one, for a man of his years and delicate structure. Not a word was heard of his personal loss. With the lectures of forty years in the two departments he had never relinquished had gone the boxes of precious correspondence, the holographs and exquisite drawings which he had brought with him in 1853. We remembered the tributes from the world's wisest and best, which he could hardly be prevailed upon to show, but which were, nevertheless, dear to his heart, and deposited in the College for safe keeping! If he remembered, he did not speak. At the Convocation in June, 1891, he rose in the midst of a vast throng assembled in the Hall of Practical Science, and announced his work complete. His words found a happy echo in the strokes of

the mallets and hammers wielded by the workmen on the new building. The platform was gay with colored hoods and scarfs designating the various colleges and departments. The students greeted him after the rollicking fashion of Oxford and Cambridge with the time-honored chorus, "He's a jolly good fellow, good fellow," and their deep and tender feeling conferred dignity upon the words. He stood there tall and spare, white-bearded, his piercing but kindly eyes glowing beneath the gray overhanging brows. Erect, proud, exultant, he stood; for he knew that, if he died on the morrow, his life-work was secure. Would that we had space for his words of lofty cheer!

He continued to labor. In January, 1892, a severe attack of pneumonia and congestion prostrated him, and his life was despaired of. Devoted nursing and medical skill pulled him through. On the 10th of June, 1892, the scene of 1891 was repeated. This year Sir Daniel spoke few words, but those few were characteristic. Very frail he seemed, nor did his voice penetrate far; but those who sat near felt themselves deeply moved by its benign intonations. After the services he showed us through the beautiful buildings which had replaced the old, and pointed out the fine library building in process of erection. He showed us the ladies' rooms, and said proudly that not the smallest irregularity had occurred during the seven years that had elapsed since the admission of women. On Tuesday, the 15th, we parted with our dear friend. He seemed bright and well. He went to Montreal on Friday, and encountered some malarious influence, came home and struggled against it for a fortnight. A turbulent meeting of the Senate, which lasted until two in the morning, took his last remaining strength; and early in July he went to his bed. Whatever disease he had had was conquered, but life ebbed away. Toward the last he asked to have his bed moved into his library; and there on the 6th of August, surrounded by the mute companions of his life, he peacefully breathed his last. His great work had been accomplished through the love he inspired, quite as much as by the executive power which devised and ordered it. He was buried on the 8th from St. Philip's Church, and his body lies in St. James Cemetery. The procession consisted of all the educational dignitaries, with others from the United States, and all the officers of the government who could be reached.

In 1854, when Sir Daniel had accepted his position in Toronto,

his wife and two daughters joined him. His wife, Margaret Mackay, who was, as he said, the "sunshine" of his life, died suddenly in 1885. His eldest daughter married a Captain Bell of the 47th Regiment, and died in 1872, leaving one son, Oswald George Wilson. The younger daughter survives her father.

CAROLINE HEALEY DALL.

BOSTON, October 3, 1892.

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## GEORGE WILLIAM CURTIS.

The death of our associate of many years, Mr. Curtis, occurred during the session at Saratoga, and was duly noticed by vote of the Association. But something more seems called for by the eminent position and illustrious character of the deceased, who held to us a peculiar relation, not yet much dwelt upon in the numerous and cordial tributes to his memory which have been published since his death. It was as a member and officer of our Association that Mr. Curtis engaged, many years since, in that effort to reform the civil service of the United States, in which he became so conspicuous, and the results of which are already seen to be so important. As Mr. Curtis himself bore witness, the public movement for this great change in official life was commenced by our Association, and was carried on by us for several years before it attracted much notice from the public at large. Indeed, one of the papers read at our first general meeting in Boston (December, 1865) was on the subject of Civil Service Reform in England, where it was then a new measure, and was encountering the same opposition, from interested or conservative persons, which it encountered in this country ten years later, and which the high reputation and disinterested service of Mr. Curtis did so much to overcome. And it was by meetings held in several American cities, while Dr. Samuel Eliot was President of our Association, that Mr. Jenckes of Rhode Island, who introduced in Congress the first bill to remove our civil service from the contaminating influence of political partisans, was early brought to the notice of the community,—receiving thus a support which was of much value in the subsequent steps of legislation, by which this desirable end was at last partially attained.

Mr. Curtis came to the Presidency of our Association while this movement — now so widely successful that all political parties are compelled to do homage to its principles, however much they may obstruct and distort the application of it — was in its early stages, and needed a strong hand to support it, both in the councils of the dominant political party and in the newspaper press of the country. He was able to effect much in both these directions, and it was as the recognized head of the movement that President Grant

made him Chairman of the first National Commission to reform our civil service. He was not sustained by the national administration, nor by his own political party, in this thankless and difficult position, as he should have been ; but he was still able to give that direction and energy to the movement which made it impossible in after years to defeat or pervert its operation. Our own members watched its progress with constant support and furtherance ; and it was no doubt partly on this account that its numberless enemies found themselves unable to resist a measure steadily advocated by persons having no selfish purpose to serve, and appealing so strongly to the better instincts of the American people.

On the 19th of December, 1871, President Grant sent to Congress a special message accompanying the report of the first Civil Service Commission appointed in the United States, of which Mr. Curtis was the Chairman. The other members, as originally appointed, were Joseph Medill of Chicago, Alexander G. Cattell of New Jersey, Dawson A. Walker of Pennsylvania, and E. B. Elliott and Joseph H. Blackfan of Washington,— the latter being officials in the government service, one in the Treasury, and the other in the Post-office Department. In transmitting Mr. Curtis's first report, President Grant said : —

Being desirous of bringing this subject to the attention of Congress before the approaching recess, I have not time to sufficiently examine the accompanying report to enable me to suggest definite legislative action to insure the support which may be necessary in order to give a thorough trial to a policy long needed. I ask for all the strength which Congress can give me to enable me to carry out the reforms in the civil service recommended by the commissioners, and adopted, to take effect on Jan. 1, 1872.

This emphatic approval by the President of the early work done by Mr. Curtis was, of course, very gratifying to our associate ; and in transmitting to Dr. Eliot, then President of our Association, this message and his own report, he wrote as follows (Dec. 20, 1871):—

The Social Science Association has a very large share in the result of yesterday,—the message of the President, announcing the Civil Service Reform,—and I send you with all my heart one of the earliest copies of the report upon which I can lay my hand.

In the report itself Mr. Curtis thus gave expression for the first time to what has become the settled judgment of the country in

regard to the evil which was then to be corrected, and which has not yet by any means been wholly removed. He said :—

Our system of the civil service courts waste. It violates the fundamental principles of thrift and economy ; it fosters personal and political corruption ; it paralyzes legislative honor and vigilance ; it weakens and degrades official conduct ; it tempts dangerous ambition ; and, by poisoning the springs of moral action, it vitiates the character of the people and endangers the national prosperity and permanence. . . . Nothing so surely fosters political corruption as the system which makes the civil service a party prize, and convulses the country every four years with a desperate strife for office. We do not, indeed, suppose that the adoption of any rules, however skilfully framed, would at once remedy the evils in the civil service which are universally acknowledged ; and experience will doubtless show how every method of reform may be improved. But these evils will certainly not be remedied without an effort. Those who are content to demand civil service reform, but who oppose every practical attempt to promote it, must be suspected of having little real hostility to the system which they decry. Fortunately, however, public opinion was never more resolutely turned to the subject, and there was never a more favorable moment to begin the reform.

Largely in consequence of his unselfish labors in this good cause, we elected Mr. Curtis President of the Association in the year 1873 ; and in his annual address from our platform, in May, 1874, he thus remarked on the part taken by us in the same cause :—

As an illustration of the subjects of our interest, I may cite one in which I have been myself deeply interested, the reform of the civil service. The Association in some of its earliest meetings, and by the warm urgency of my honored predecessor, Mr. Samuel Eliot, considered this subject ; and it is an admirable illustration of the value of this platform. For, unlike the platforms of political parties which have declared for it, this platform means upon that subject exactly what it says. It is a political subject, but is in no sense partisan : it is especially patriotic. We have urged and still urge it upon the grounds both of the greater efficiency and economy of the service and the purification of politics which must result. As the great political evil of the times is corruption, every good citizen is morally bound to consider the methods of withstanding it. And, as no single, practical measure would do so much to remedy that corruption by destroying its machinery and introducing better methods, the reform of the civil service is especially one of the subjects for the consideration of which this Association exists.

The work to which Mr. Curtis thus pledged himself, and which he had actively taken up in the early part of 1871, was never deserted by him, even when those who had made use of his services were disposed to abandon it. President Grant had practically withdrawn from its support in 1873; and it was therefore at its lowest point of depression that Mr. Curtis, in the spring of 1874, had uttered the words just quoted. Our Association kept up the contest, and was enabled to carry on the standard until two special societies—the New York Civil Service Reform Association, formed in 1877, and the National Civil Service Reform League, organized in 1881, of both of which Mr. Curtis was the President—came forward to perform more actively the task for which our Association was not so well adapted. As President of these societies, Mr. Curtis was in correspondence with all official persons who were inclined to favor the reform. At each annual meeting he gave an address in which he reckoned up the losses and the gains to his chosen cause. And in his last address, in 1891, he had the satisfaction of showing that already more than thirty-six thousand national offices had been redeemed from the spoils system, and made subject to competitive examination and promotion; while thirteen thousand more in the State of New York, either under State law or city ordinance, had been placed on the same sound footing, and in other States, particularly in Massachusetts, perhaps ten thousand more. Such was the reward of his twenty years' labor in this field of his activity.

But this was only one of the many tasks which he undertook. Although not a member of our Department of Education, he had rendered for many years services much greater to the general cause of public instruction than most of our members had the opportunity of doing. Ever since 1864 he was active in the Board of Regents of the State of New York; and, as Chancellor of the University which these Regents represent,—an ideal university, having no buildings, but only excellent methods,—he mediated between the large universities and the smaller colleges and academies so numerous in the State of New York. Nothing connected with education was foreign to him. And so it was owing to his efforts and those of his friends that the little rural academy at Ashfield in Massachusetts, where he had his summer home, was rescued from decay, and placed upon such a footing as to keep up its modest work for the higher education of boys and girls among the New England hills.



George William Curtis was born in Providence, R.I., Feb. 24, 1824; was educated near Boston up to the age of fifteen, and afterwards for three or four years among the Transcendentalists of Brook Farm and Concord, where he formed the acquaintance of all those men and women among whom his lot was afterwards cast as a reformer and man of letters. His active life may be said to have begun while he was tilling the ground at Brook Farm, or in the meadows and orchards of Concord; but, before engaging actively in a literary career, he spent four years in Europe, from 1846 to 1850, and there saw the rise and fall of the Revolutions of 1848-49, with whose object, in liberalizing government, he fully sympathized. Returning home, he soon found himself engaged in the corresponding revolution here, which after fifteen years terminated in the enfranchisement of a servile race, and the restoration of our government to the function for which it was destined by Franklin, Washington, and Jefferson. Hardly had this long struggle ended and the fruits of the Civil War been gathered, when he began that contest for reforming the civil service which has just been mentioned. And from that struggle, with its attendant efforts in behalf of honest and honorable government, Mr. Curtis was only discharged by death. He died at his home in Staten Island, Aug. 31, 1892, lamented by all who had ever known him, and leaving a place vacant in our ranks which none of the living would deem themselves capable of filling.

F. B. S.

CONCORD, Oct. 17, 1892.

## PUBLICATIONS OF THE AMERICAN SOCIAL SCIENCE ASSOCIATION.

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## SOCIAL SCIENCE IN THE NINETEENTH CENTURY.

A REPORT MADE TO THE AMERICAN SOCIAL SCIENCE ASSOCIATION BY  
F. B. SANBORN, OF CONCORD.

[Read August 30, 1892.]

*Members of the Association*.—An eminent Frenchman, M. Edward Lockroy, the other day, in an address preceding the distribution of prizes in Paris, made an eloquent eulogy of the Nineteenth Century, now so near its end. He even went so far as to call it “the greatest of all the centuries.” However this may be in things which do not so directly concern us here,—in matters of religion, art, geographical discovery, and military conquest,—this compliment is certainly true when we speak of our own broad field of Social Science. Even the title of this federation of sciences—this syndicate of philosophy, economics, philanthropy, ethics, and natural science—is the invention of our century, and was quite unknown to those pioneers of social science, Vico, the Italian, who invented the philosophy of history, Adam Smith, the Scotchman, who invented political economy, as we understand it, and Franklin, the American (greatest of the three), who put social science upon the plainest practical footing, while opening to mankind the broadest theatre for its demonstration, by joining with Washington and Jefferson in laying the foundation of the American Republic. Our awkward name covers an infinitude of indispensable things, most of which have been brought to light in our own century.

Some of my audience may smile at finding Philosophy named as one of the corporate partners in Social Science; but let me remind you that the most illustrious French member of our Association, M. Jules Simon, so distinguished in education, in politics, and in the administration of affairs, began his career, which age is now drawing to a close, as a lecturer at the Sorbonne on the mysticism of Proclus and Plato. I have before me a letter written from Naples in February, 1844, by an American scholar who had lately come from Paris, to one of the professors in Harvard University, in which occurs this interesting passage:—



Jules Simon is not twenty-six years old. I went to his *Salle* half an hour before the time: it was half full then. By and by I heard a step at the private door, and the audience clapped their hands. Then entered a finely formed young man, elegantly dressed, with one of the finest countenances I ever saw,—pale, with deep dark eyes. He looks religious, mystical, and philosophic. He lectured on Proclus and his school,—on the “Mysticism of Proclus, its Origin and Effects,”—when I heard him. He had no notes, but leaned back in his chair, looked up towards the ceiling, then at the audience, then began. His words were musical, his manner perfect. It was the *beau-ideal* of lecturing. He did not quite do justice to Plato,—for he went back to Plato to trace the mystical element in Proclus,—but I never heard or read neater expositions of doctrine than his of Plato’s notions of God, though I think them *un peu erronés*.

Such was the man, half a century ago, who has since represented France at half the capitals of Europe, and has had no small share in bringing the French Republic to its present condition of stable equilibrium,—the equilibrium, I mean to say, of the ship which tosses on the waves, but never goes to the bottom. Four years after he was thus heard and described by Theodore Parker, he sat in the Constituent Assembly of 1848, and was a member of the Privy Council of the short-lived Republic in 1849. With the Third Empire, he retired to private life, but reappeared in the French Parliament in 1870, and is now a Senator of France, at the age of seventy-five, but still a journalist. In that capacity he addresses Paris and the world through a column in the *Temps*, which he calls “my little Daily.” Recently he said in that, commenting on the epithet given by Lockroy to the Nineteenth Century:—

One fact cannot be disputed,—our century has wrought a revolution more radical and more fruitful than that which closed the eighteenth century,—I mean the scientific revolution. We live in the midst of marvels, and are busy consolidating, organizing, and completing the conquests of science; and the present is so absorbing that we forget even the most recent past. When mankind have time to take breath, let them compare the world of 1792 with the world we see to-day. New York separated from Havre by a three months’ voyage; the old-fashioned marine telegraph celebrated, and justly so, as a magnificent victory over time and space; Paris itself half-lighted at night by costly oil lamps; the soil of France cultivated by man in the sweat of his brow, according to the original curse; our fabrics and all customary articles manufactured by hand, and carried, at enormous cost and by great effort, over small distances. . . . But why enter upon a recital which would have to include everything? There was less distance

between the year 1200 and the year 1800 than between 1800 and 1892.

Our Paris Exposition three years ago had a retrospective section, whose object was to represent the past by its masterpieces and in its luxury. There might have been another story told of the past in its wretched poverty; and that would have taught us to understand the grandeur of the work which the scientific men of our century have accomplished. This scientific revolution has not only transformed the material world, but is radically changing the human race. The proclamation of a monarch, issued from Versailles, was not the equivalent of a hundred million newspapers circulated every morning, of daily public meetings, of delegates and commissioners travelling in eight days from one side of the world to the other, or of the instantaneous transmission of thought and purpose by electricity. Revolution, thy true name is Science! and unlike revolutions of philosophy and politics, which are subject to reaction, every step taken by thee is final.

Our illustrious associate, turning aside for a moment to speak of the literary result of the Nineteenth century in France, then goes on to say:—

If I were to assign a place to the Great Perhaps (*le Grand Peut-Etre*), it would be neither in the drama nor in poetry nor in oratory; neither in physics, chemistry, natural history, nor medicine. It would be in philosophy and politics,—two sciences so unlike, if you compare them day by day, and so analogous, when looked at across the distance of ages. I can scarcely believe that our men of 1789 will be surpassed in justice, in equity, in generous ardor, in fraternity, in courage, or in self-sacrifice. Indeed, although I recognize the novelty and greatness of the problems which our times have raised, for the learned and the ignorant, I cannot yet see clearly enough into the future to conjecture whether we are approaching the gloom of night or the splendor of morning.

In this last utterance of misgiving, M. Simon, like our Swiss associate, Professor Secrétan, seems to be disturbed by the threatening aspect which Democracy has assumed in many eyes, when dealing with questions of labor and property. Every thoughtful American must sympathize with this misgiving, when he looks out from any window of impartiality upon the noisy conflicts of labor and capital, long going on, and just now very active in our Republic. It is a conflict older than civilization, and carried back by the philosophers even among the elemental forces of nature; for Emerson says,—

“In changing moon, in tidal wave,  
Glows the feud of Want and Have.”

But I suspect that all the tendencies of civilization, while they concentrate evil as well as good, and often shock us by their rapid and convulsive volcanic discharges, do, on the whole, mitigate and meliorate this natural warfare between those who lack and those who possess ; and that Democracy, therefore, the last result of civilization, will furnish a solution for its own problems.

Our century is indeed the infant age of universal Democracy, of which the American and the French Revolutions together were the birth era. A hundred years ago, even in our Republic, where Democracy had its most favorable cradle, there was but little recognition or respect for it among the educated, to whom liberty mainly signified emancipation from the galling yoke of monarchy and aristocracy. That fine old English Tory, Lord Lyndhurst, who was born in Boston, the son of the painter Copley, when a young man, in 1796, revisited his native town, and after talking with the Otises, Phillipses, Russells, and especially George Cabot, wrote home to his mother, herself a Boston woman,—“Samuel Adams is superannuated, unpopular, and fast decaying in every respect. In addition to this, and perhaps on this account, he has taken no notice of me. Shall I whisper a word in your ear? The better people are all aristocrats. My father is too rank a Jacobin to live among them.” Three months later, writing from Philadelphia, he said: “I have become a fierce aristocrat. This is the country to cure your Jacobins. Send them over, and they will return quite converted.” Now, Adams, who at that time was Governor of Massachusetts, had been the father of the Revolution in New England, and was still in his old age a Democrat ; but his cousin, John Adams, who soon became President, though not so bitter an opponent of Democracy as his rival, Hamilton, long favored an aristocratic government. In that entertaining but not always courtly correspondence between John Adams, in 1807, and the sister of James Otis, Mrs. Mercy Warren, who herself inclined to Democracy, she reminds him of a conversation between them in 1788, from which she quotes as follows:—

MR. ADAMS.—It does not signify, Mrs. Warren, to talk much of the virtue of Americans. We are like all other people, and shall do like other nations, where all well-regulated governments are monarchic.

MRS. WARREN.—A limited monarchy might be the best government, but it will be long before Americans will be reconciled to the idea of a king.

Mrs. Warren relates another conversation with Mr. Adams at his own house in Quincy, of which she says: "Your ideas appeared to be favorable to monarchy and to an order of nobility in your own country. My husband replied, 'I am thankful that I am a plebeian.' You answered: 'No, sir: you are one of the nobles. There has been a natural aristocracy here ever since the country was settled,—your family at Plymouth, Mrs. Warren's at Barnstable, and many others, in very many places, that have kept up a distinction similar to nobility.'"

This reply of Mr. Adams was strictly true; and these little colloquies indicate very well how far our leading citizens had got at the beginning of this century in the direction of actual Democracy. Even Jefferson, the father of modern Democracy, would have shrunk a little to encounter some of its results, as they have manifested themselves here, and in other countries, since his death in 1826,—if, indeed, they are the result of Democracy, and not a growth of human frailty, taking advantage of a general change from the too arbitrary governments of the past to the moderate and popular systems which an extended suffrage produces. Satirizing the commercial spirit of our century, Emerson once said, "The customer is the immediate jewel of our souls." In our time we might perhaps as truly say that the voter is the immediate jewel of the candidate's soul; and many a turbulent and headstrong voter, though immensely in the minority, has been enabled to carry his point by the more than Chesterfieldian deference which some aspirant to high office has paid to his violence and his nonsense. What would Jefferson have said to our Chinese Exclusion Bill, with its absurd machinery for registration and expulsion? What would he have said to the rioters of Homestead and of Buffalo, who assassinate their fellow-citizens from behind a barricade for the heinous crime either of seeking employment at honest labor or of protecting the property intrusted to their care? He would probably have denied, as I do, that these are the real fruit of Democracy; but they certainly show themselves more offensively, under our free institutions, than in the stricter governments of Europe.

Science, also, that daring, irresistible revolutionist, has lent itself unconsciously, but none the less effectively, to purposes of destruction and the promotion of barbarism,—as we see by the dynamite outrages in Europe and the threatened employment of similar methods in this country. But shall we therefore condemn

invention, taboo chemistry, exile electricity, and return to the ages of bronze and stone? If yea, let us also give up Democracy, if we can, and return to those periods of history so happily grounded in that unscientific lore concerning which Pope inquires,—

“ Who first taught souls enslaved and realms undone  
The enormous faith of many made for one? ”

The old Lacedæmonian, to some uneasy aspiration of his countryman for another situation than that in which he found himself, said, with homely wisdom, “ Thy lot is cast in Sparta : improve that city ” (*Spartam nactus es : hanc exorna*). We find ourselves in this country of ours, and in a century of our own,—the age of Social Science,—and what we have to do is to work in our own field, with the implements that are given us, and without seeking to force the season, or to emigrate either into the future or the past. In this situation our Association has been spending the last twenty-seven years,—not unprofitably upon the whole, even if we have no great harvests to show. Within that time (hardly the space assigned to a generation of men) we have seen Democracy make great strides. Our beloved associate and former President, George William Curtis, whose illness we deplore and for whose recovery we confidently hope, used to relate an anecdote, which he applied to the political situation of Europe within his recollection. Many years ago, when one of our men-of-war, cruising in the Mediterranean, entered an Austrian port, in what is now United Italy, her commander received as guests on board his fine vessel, a model of nautical order and discipline, the Grand Duke or King of one of those divisions into which the policy of Metternich had minced up that noble peninsula, with a brilliant and gilded suite of officers in full uniform. As they were inspecting the warship, and going below, one of these glittering gentlemen missed his footing and fell down the stairs. A Yankee sailor, gravely approaching the officer of the deck and touching his cap, thereupon said, “ If you please, sir, one o’ them kings has jest tumbled down the hatchway.” Mr. Curtis went on to say that he had seen one king after another tumbling down the hatchway ever since he could remember; and still, in the words of the omnibus conductor, “ there is room for one more.” Of the ancient and approved sovereignties of Europe, how few are left in that solvent and resplendent condition which the Holy Alliance vainly sought to make permanent! The North Sea, when the tide was running in, would wet the feet

of Canute in his chair; and the tidal wave of Democracy in our century has just as little regard for those hereditary rulers who still claim to govern by divine right.

This great question concerning present and future Democracy has already been touched upon in some of its features by President Wayland, and will be still further debated as our meeting goes forward day by day, to consider the topics arranged for discussion by the Chairmen and Secretaries of our four departments which this year bring forward matter for debate. I have opened the broad general question, and hinted at the recent and rapid growth of Democracy, because it is the most striking feature of the Nineteenth Century, and that which, in my opinion, has most promoted the development of the social sciences. That irregular and pedantic genius of three centuries ago, Giordano Bruno, in the dedication of his least fantastic satire to Sir Philip Sidney (who, if he were living in our day, would be as active in promoting social science as Lord Brougham was thirty years ago), begins a page of copious compliment by saying, "Blind is he who doth not see the sun, stupid who doth not recognize it, ungrateful who does not give thanks thereto,—so powerful is the light, so great the benefit, so immense the beneficence, by which it shines, by which it surpasses, by which it delights us,—Master of things perceptible, Father of substance, Author of life." Bruno's astronomical knowledge fermented in his mind, and broke out in strange theories and symbols; but what he here says of the sun we may well say of that great motive power in modern society, the popular and democratic spirit, which the blind can see, the stupid feel by some of its inflictions, and even the ungrateful have reason to praise for some of its results. Its qualities, like those which Bruno justly ascribes to Sidney, "have been manifested to many as occasion offered, and been a wonder to all, while it displayed its natural inclination, the truly heroic." It has other inclinations far from heroic; and even the matchless Sidney was sometimes quarrelsome and sometimes prosaic.

The quarrelsome and, as some say, the murderous tendencies of people under democratic government have been much discussed during the past year, and a paper on murder by our distinguished associate, the new Minister to Russia, will be read here just after he has sailed from New York on Thursday. He regretted that the orders of the government forbade his presence here, to read his own carefully digested paper and to hear the debate upon it. Three weeks ago an international congress of criminal anthropology

met at Brussels to consider the same questions from a psychological point of view, and debated the mental condition of the criminal who yields to what is often said to be an irresistible impulse. The most noticeable feature of the Brussels meeting was the absence of the Italian Professor, Lombroso, and the principal adherents of his school, who have advanced peculiar opinions concerning the criminal type, as a physiological fact, which fuller observation hardly confirms. These opinions have gained very little foothold in our country, although a fantastic English writer, who probably understands the prison problem in his own country better than in ours, has alleged recently that it is the prevalence of these Italian theories, and a relaxed prison discipline resulting from them, which are responsible for the prevalence of homicide in the United States. It seems to be the American experience rather than it is not Italian theory, but Italian practice, especially with the knife, which increases the murder rate in our country. The problem, however, is more general in its geographical distribution than might perhaps be inferred from the paper of Dr. White or the crude utterances of Mr. William Tallack. Crimes of violence have increased of late years, not only in this country, but in France, in Italy, in Greece, and no doubt in other countries when compared with the criminality of ten years ago, or perhaps twenty years ago. Yet even now in several of these countries, there are perhaps scarcely more deliberate murders than there were executions by judicial or military authority in the last century, as compared with the whole population of each country. Patrick Colquhoun, a London magistrate, who wrote a painfully interesting book on the crimes of London a hundred years ago, declared that in 1796 there were in England 160 different offences punishable with death; adding that in the year 1793, in London alone, then containing less than a million people, there were 68 capital punishments,—a ratio which, if extended to the present population, would exhibit more than 250 of these solemn public murders in a year. I suppose the whole number of wilful murders in that city annually scarcely reaches 100 at present, and doubtless appears to be much less than this. Were the London system of 1792 now carried out in the United States, with our 65,000,000 inhabitants, we should exhibit the extraordinary spectacle of more than 4,000 capital punishments in a year. I hardly think that the most severe or Draconian advocate of terrifying penalties would wish to see that number of our fellow-creatures hanged or guillotined, or, as the newspapers say, "electrocuted," in a single year.

In nothing has the progress of civilization in the Nineteenth Century been more marked than in the amelioration of penalties for crime; nor did this humane change in our laws have the effect to increase crime, but, on the contrary, seemed to diminish it. Perhaps we have carried this mildness towards criminals too far; yet I am inclined to think that this is not the occasion of the increasing blood-guiltiness of mankind. Rather should I ascribe it to certain exaggerating and exasperating tendencies of our recent civilization, combining with those remarkable influences which have brought the least enlightened and most barbarous of mankind within range of a civilization for which they are not fitted and which they cannot understand. Add to this that loosening of all the bands of authority which our century has witnessed and produced, and the temptations arising from the highly complicated structure of society, and we have general causes enough to account for a condition which everybody must deplore, but which certainly is not restricted to a single country or a single hemisphere.

A similar course of reasoning might be used with regard to insanity, which has so close a connection with crime, and especially with crimes of violence. It has long been observed that insanity is a feature of developing civilization; and, although this statement should not be pressed too far,—since the whole life of barbarous people is little better than one prolonged insanity,—yet it must needs happen that the pressure of mental and moral forces, as population grows more dense, and civilization more complex, will increase the tendency to insanity in unbalanced natures. In the treatment of this grave malady—one of the most distressing and least remediable of the ills that flesh is heir to—the Nineteenth Century distinguishes itself, not only above any other, but beyond every other age in the world's history. For until the year 1800, except by a very few enlightened and observing persons, insanity was everywhere misunderstood and shockingly ill-treated. Like the science of chemistry and of electro-physics, the psychopathic science, of intelligent care for the insane, is almost wholly the growth of this century; and few persons in this country or elsewhere have studied it more carefully, or been of greater practical service in regard to it, than our late associate, Dr. Earle, whose death has been mentioned in the lately published number of our Journal.

We have also to lament the death of an honorary member, Sir Daniel Wilson, late President of the University at Toronto, who closed his very active and useful life on the 6th of August. He



was better known in Canada than in the United States, where yet his learning, his talents, and his liberality of mind were highly appreciated, and did not fail of due recognition.

The Department of Education, in which Sir Daniel Wilson became so eminent, has presented to-day its interesting and useful papers; and those of the Health, Jurisprudence, and Social Economy Departments, will follow on the three ensuing days, as laid down in the order of business already submitted and in the hands of our members. Our Association has seldom presented a more important series of practical papers than those of this year; and, if they seem to touch too constantly and persistently on social maladies and abnormal features of life in the Nineteenth Century, we must remember that apt Scripture,—“They that be whole need not a physician, but they that are sick.” Our Finance Department, which has offered in years past so much valuable material for our discussions, is this year dormant,—not because the situation of the country is wholly satisfactory in a financial point of view, but for other and casual reasons, which may not occur hereafter. There is such a bond of union, however, between our five departments, and so much opportunity for general discussions, not limited to a single department, that we contrive to touch upon questions enough, I fancy, in any given year; while there are always other topics pressing for consideration, which will come forward the next year or the year after.

We have now an opportunity to consider for an hour, in a general debate, the doctrines, old or new, inculcated in the addresses and papers thus far read, and in this Report, which, like most of those that I have had occasion to write for the past twenty years, aimed to deal with general or special topics of some importance rather than to present a review of the year's work of an Association so multifarious in its working as ours has aimed to be, and has from the first succeeded in being.

The Nineteenth Century has been the age of Social Science, as I have imperfectly pointed out. The first century witnessed the birth of Christianity, but had not much to relate concerning that great epoch in the world's history. The philosophy of the Stoics was then more seemingly important than the infant sect of despised Jews and their doctrine of universal brotherhood. Stoicism also held to a brotherhood of all men and to their common dependence on a Divine Power. It included in its ranks illustrious senators of Rome, like Cato, instructors of world-ruling princes, like Seneca, and, in the second century, emperors like Antoninus Pius

and the good Marcus Aurelius. The Christians had no such names of statesmen and princes. Their Master was a homeless wanderer; their evangelists, obscure and feeble persons,—fishermen and bailiffs and barber-surgeons,—but the founders of a new order before which the power of Rome crumbled away, and which alone made possible those potencies of our own time,—Democracy and Social Science. The Stoic philosophy aimed at these results, but could not compass them. It declared of the Supreme Being what we hold to day,—

“God is in all things seen, in all things known,—  
Active or passive, we are his alone.”

*Jupiter est, quodcumque vides, quodcumque moveris.\**

This is the thought of Cato, in that noble speech of his to Labienus, reported by the poet Lucan in Nero's gloomy reign, but occurring a century before, while Cato was withdrawing his army from Egypt through the sands of Libya, in order to make head better against Cæsar on the plains of Utica. What he then expressed, in a figure, of God's omnipresence, is none the less true now; but it is also become a symbol of that universality, composed of many parts, to which we give the name of Social Science, and which has taken our decaying century as the chief arena and show-place of its wonderful activity.

“This is in all things seen, in all things known;  
Active or passive in its hands are thrown  
The lives of all men, social or alone.”

In society we obey its mandates, in solitude we cannot escape them. It remains for us to ascertain their scope and to promulgate them to those who walk with us or come after us. This, which has been the faltering aim of the Nineteenth Century, will be more and more the task of the Twentieth.

\* The whole passage is worth quoting. It says:—

“Hæremus cuncti superis, temploque tacente,  
Nil agimus nisi sponte dei; nec vocibus ullis  
Numen eget; dixitque semel nascentibus auctor  
Quidquid scire licet; steriles nec legit arenas,  
Ut caneret paucis, mersitque hoc pulvere verum:  
Estque dei sedes, ubi terra, et pontus, et aer,  
Et cælum, et virtus. Superos quid quærimus ultra?  
Jupiter est, quodcumque vides, quodcumque moveris.  
Sortilegis egeant dubii, semperque futuris  
Casibus ancipites; me non oracula certum,  
Sed mors certa facit. Pavidò fortique cadendum est:  
Hoc satis est dixisse Jovem.” Sic ille profatur;  
Servataque fide templi, discedit ab aris,  
Non exploratò populis Hammona relinquens.

*Pharsalia*, lib. ix. 573-586.

## ART EDUCATION IN AMERICAN LIFE.

BY MISS MYRA B. MARTIN, OF NEW YORK.

[Read August 30, 1892.]

Never before in the history of our development as a nation have the needs and importance of popular education received so much attention as at the present time. As a people, we have been too willing to let the matter of our children's education rest in the hands of "the educators," so called, who themselves, some from choice, others from circumstance, have been, in a way, considered as a separate race, isolated from the common interests of life. Within the past two decades, however, there has been among the laity a great awakening to the importance of the subject; and the members of the Social Science Association that have a finger on the pulse of the people feel the mighty flow of life-giving interest that makes for the higher development of the masses.

It is of a particular phase of popular education that I would speak this morning, but one that is so correlated with all other phases that it is difficult to treat one without dealing with the others.

In speaking of Art Education in American life, it is perhaps necessary to use the future tense; for it is an admitted fact that, with all its great natural resources, with all its triumphs of inventive ingenuity and mechanical skill, with its splendid strides in science, which have placed it and kept it in front of all other nations, this nation of ours is lamentably deficient in the æsthetic sense, and it is on this side that our present educational needs are pressing.

What we have of Art Education, in the popular sense, has a history, though, of necessity, a brief one. To those of us who claim the Bay State as our home, it is gratifying to recall that the first attempt in this country to put Art Education on a sound basis, and to incorporate it in a somewhat systematic manner with the public school curriculum, was made in Massachusetts in 1870. We have not the time to-day, and it is probably unnecessary, to review here the history of that experiment, which only furnishes another proof of the fact that an attempt to mould the American temperament by

foreign methods will always be a failure, and that for America we must have American methods of thought and work.

No work, however, that is undertaken in so earnest a spirit can be a total failure, even if it serves no greater end than the Circumlocution Office,—to show “how not to do it”; and probably to that experiment can be traced the results we are getting to-day from institutions like the Pratt Institute, Drexel Institute, and others, established by the munificence of far-sighted and patriotic philanthropists. These results are not to be stated in commensurable terms; but, great as is the work done in this way, it is not enough. It reaches only a fractional percentage of the people, and there are millions still that are untouched by this influence. We have a great problem before us, requiring for its solution much time, patience, and thoughtful effort, and the self-abnegation of the nameless few always to be found at the bottom of a great work.

The two principal things to be considered are (a) How to reach these millions, and (b) What to do for them.

To the first question there can be but one answer: a statement so obvious that it needs no discussion—the work must be accomplished through the children in our public schools. The children of all classes spend, during the most plastic period of their life, nearly half their waking hours in the school-room; and there it is that we must seek to surround them with refining influences, and instil into their very souls that desire for culture that shall counteract or supplement the home influence. And it can be done, for it has been done, and is being done to-day in many schools under our immediate observation.

The second consideration is not so easily disposed of. It is a fact greatly to be deprecated that, while our people, whom an eminent German characterizes as “the sober-minded Americans,” have taken a deep interest in the subject of industrial training, they have shrunk from the consideration of Art in Education as if it were something special and apart,—something that is impractical. I sometimes think we are not quite honest with ourselves about this. We know that we are not well-trained æsthetically, but we are not quite willing to acknowledge it; and we hush our æsthetic conscience by pointing proudly to our development in other lines,—to our machines “that will do everything but talk,” and, yes, to those that do.

We are negatively honest, however, in that we do not, as a people, *pretend* to a knowledge of Art; although there are individuals

that are willing under all circumstances to hold up the banner of universal knowledge, like the Yankee in the art gallery — of course he was a Yankee — who was criticising a military picture. Being asked by a by-stander if he were conversant with the canons of Art, he replied with unction, "Oh, yes, I have made a 'speciality' of fire-arms."

Indeed, it is time, from a moral as well as an æsthetic standpoint, that the light which has illumined only the mountain tops where dwell the gods alone, should flood the valleys with the sunshine that will call into active life the dormant potentiality of man. But there is great contrariety of opinion as to aims and methods. Granting that all here present have given more or less thought to this subject of Art Education in the popular sense, it is safe to assume that there are at least three classes here: 1st, those who believe that Art Education should be industrial in its purpose, who believe in the mechanical side only of manual training, and demand that labor shall be interpreted in the great provisions for public education; 2d, those who would develop the artistic element only; and, 3d, the rapidly increasing number who, by a combination of the two, would secure the child's all-round development; who would bring to mechanical skill the æsthetic element that alone can give to our industrial products that intangible charm that will enable them, in a commercial sense, to be entered in successful competition with those of the Old World, and at the same time satisfy the higher demand made by that love of the beautiful inherent in every breast.

I should like to dwell upon the claims of the first two classes,— and they are not baseless claims. It is obvious that our industries suffer from the lack of skill or experience in our laborers; and there are various reasons for this, such as the perfection of machinery, the growth of trades-unions, and the consequent better organization of labor and capital. But, curiously enough, as several writers have pointed out (notably Dr. MacAlister), many of those persons that are so clamorous for industrial training only contend that we should not attempt to teach the trades themselves in such a way as to give a child money-earning manual skill, but that we should give him elementary instruction in general principles and in the use of the simplest tools. They seem to think that the boys and girls need to be coddled with a promise of usefulness instead of being clad in an armor of manual skill that will enable them to go out fearlessly into the battle of life. These same persons

lament the disappearance of the apprentice system, and complain that there is nothing to fill its place. We do not want to fill its place; it was a thing that had outgrown its usefulness; and the abolition of the apprentice system was almost as great an advance in civilization as the abolition of slavery! A great deal has been done for a man when he is helped to become, not a machine, but a sentient organism superior to and able to control a machine.

I should like to take up the statistical argument showing that while we export an immense quantity of crude material at a low price, we buy back a small amount of the same material at a price from two to twenty times as great, the difference in value being caused by the artistic industry employed in making up the raw material. This can be readily shown in the case of textiles, pottery, bronzes, and kindred manufactures. We might make a similar claim for our export of food products which go to sustain the foreign laborer or artisan. This is important, of course, from an economic point of view. It means that the demand for beautiful things is a constant and increasing one; and, if it cannot be met by domestic products, it will be met by foreign products. Upon the cultivation of the æsthetic sense in our workmen, and of the power to satisfy the demand by our products, depends our industrial success. But it means more than that. The existence and increase of this demand for beautiful things among the common people are indicative of moral as well as æsthetic growth that should be recognized and fostered.

But lack of time forbids the taking up and elaborating these points: so, passing to the third class, I will try to present briefly our side of the question, and leave the much abler advocates of the other theories to take up the cudgels in their own defence. We of the third class hope we have no dogmas, but we have a creed which may be translated into "The Aims of Modern Art Education,"—viz., the awakening and developing in our people,

- 1st, Love of beauty both in nature and in man's work;
- 2d, Power to put beauty into one's own work.

The cultivation of individual love of beauty should be regarded as a no less natural and necessary part of the training of children than the cultivation of a love of truth and of goodness. Truth, Beauty, and Goodness are all modes of manifestation of the divine existence. We try to give all children some elementary knowledge of truth and some degree of enthusiasm for truth, even though most of them can never do any great original work in science or

philosophy. We try to give all children some fundamental ideas of goodness, and to awaken practical feeling for goodness in everyday life, even though few grow up to be conspicuous moral leaders. Why should not training in the appreciation of beauty and the practical power to create beauty be considered from the same reasonable standpoint?

We apprehend life along these three lines. Thought and feeling along any one of these lines need to be balanced by thought and feeling along the other lines. As Walter Blackburn Harte, in the *New England Magazine* for August, points out, Art and man's spiritual forces are linked; for he says: "Art is indissolubly bound up with man's spiritual forces, because it is through these forces he comprehends, strives, invents, achieves. The moral nature of man is the man, and Art is the best expression of the man." Mr. Harte is right, for the Art spirit means *honesty*,—the absence of all sham and show and make-believe, the cultivation of truthfulness and frankness. Again, man's physical needs are limited, and can be satisfied: man's spiritual needs are illimitable. As fast as he gains one height of spiritual possession, new heights arise. There is no conceivable limit to man's possible growth in the direction of his spiritual nature, and the most elementary training of that nature, if good in its kind, reaches out into infinite progression.

The present age is confessedly given over to materialistic science. It is the age of machinery. An increase of the (more evidently) spiritual element is needed to keep the balance true.

Present industrial agitation tends to shorten the average man's working day. Something has already been accomplished in this direction, and much more will doubtless be accomplished before long. But it is a serious question how well the average working-man is equipped for the enjoyment of leisure, when leisure comes. The average man needs to have his higher nature more alive before he can get anything more than physical rest out of his extra hours of leisure. Only as his eyes are opened to Nature and Art can he really get much pleasure or much spiritual strength from contact with Nature and with Art.

As the masterpieces of ancient authors are reckoned the "classics" of literary workers, so the masterpieces of the world's great artists—painters, sculptors, architects—are the "classics" of all who work with material substances; and thus a knowledge of what other nations and other ages have accomplished in architecture, in sculpture, in painting, in Art industries, ought to be made practica-

ble for the men of to-day who are growing up to help make our public and private buildings, our furniture and textiles and ornaments, as well as for the few who are to be our great "artists," in the usual sense of that word; for in the study of these "classics" can be traced slowly, step by step, the inner life of the nations that pass in review under the search-light of History.

And this broader provision for study in historic art is now just being inaugurated. We see it in the study of Historic Ornament in the public schools, and the movement for placing fine casts and pictures in public school rooms. This means much more than even Art-study: it means a new interpretation of history, of history in the light of man's humanity to man, instead of history in the light of man's brutality or *inhumanity* to man. And this bringing the Art spirit into life through public education is not merely a fanciful theory. Even now teachers see the beginnings of its influence, when the rough boys in a city school willingly make their grimy hands clean for the sake of a color lesson wrought out with dainty material; or when children of the common, every-day sort kindle with enthusiasm over the great cathedral whose picture they have seen, some bit of whose sculptured ornament they have faithfully studied and drawn, because to their awakening minds its builders become real live men, enjoying beauty as men still enjoy it, and creating beauty as men still may create it.

In conclusion, the essential principles of all good Art are principles immediately and practically translatable into terms of every-day life. The infusion of the genuine Art spirit into public education must necessarily be a long, slow process; but, as far and as fast as the Art spirit does become a reality to the people, so far will simplicity and consistency come into our modes of life, and truth and unity and harmony in man's relation to his neighbors become characteristic of that life. From the point of view of Social Science, therefore, one of the most important lessons for the hour is to lay hold of Art Education in public education.

To do this, we must have our teachers trained to a right understanding of the Art Idea in human history and in social life; and we must also surround children in the public schools with suitable examples of Art work. Until the matter is taken up in this practical way, but little good will come from merely discussing theories of Art Education. I would that some distinct message of encouragement might go out from the Association to every effort that aims to build up true Art Education in the schools,—a message affirming



the importance of Art in public education, on grounds far broader than its utilitarian application in industrial life, and emphasizing the necessity that Art Education must be, in fact, a fundamental part of our public school training if the public school is to meet the demands of our rapidly developing social conditions.

I am dissatisfied with the incompleteness of what I have said to you this morning. It is difficult to compress into a twenty-minute talk much valuable thought on a subject which is so bound up with life as to require, for its thorough treatment, a retrospect of all that has been done and said in social science and applied psychology for the past twenty years ; but I am reminded of Lord Bacon's admonition,— "Let him not forget to leave other men their turn to speak" ; and I can only hope that I have not, as our own great master of English puts it, "made myself unintelligible by my speech-making."

## EXAMINATION AND COMMITMENT OF THE PUBLIC INSANE IN NEW YORK CITY.

BY MATTHEW D. FIELD, M.D.

[Read Wednesday, August 31, 1892.]

A suggestion that the method of examination and commitment of the insane in the city of New York would be of interest has induced me to write this paper. It grew out of the lunacy legislation of 1874, as given below.\*

The Commissioners of Public Charities and Correction of New York City, under this law, appointed special examiners in lunacy, whose duty it should be to examine all cases that should come under the care of the Department, and in proper cases make certificates of lunacy, and present the same for approval before a judge of a court of record, as required by the law; after which the adjudged lunatic was sent with such certificates to the insane asylums of the Department. Such a method has continued till the present day, except that formerly the Chief Examiner held the position of City Physician, and had charge, likewise, of the City Prison. Such was the condition of affairs when I was appointed Examiner in Lunacy for the Department of Public Charities and Correction, in November, 1882; my senior being Dr. William I.

### \* ACTS OF 1874, CHAPTER 446.

SECTION 1. No person shall be committed to or confined as a patient in any asylum, public or private, or in any institution, home, or retreat for the care and treatment of the insane, except upon the certificate of two physicians, under oath, setting forth the insanity of such person. But no person shall be held in confinement in any such asylum for more than five days, unless within that time such certificate be approved by a judge or justice of a court of record of the county or district in which the alleged lunatic resides; and said judge or justice may institute inquiry and take proofs as to any alleged lunacy before approving or disapproving of such certificate, and said judge or justice may, in his discretion, call a jury in each case to determine the question of lunacy.

SECT. 2. It shall not be lawful for any physician to certify to the insanity of any person for the purpose of securing his commitment to an asylum, unless said physician be of reputable character, a graduate of some incorporated medical college, a permanent resident of the State, and shall have been in the actual practice of his profession for at least three years. And such qualifications shall be certified to by a judge of any court of record. No certificate of insanity shall be made except after a personal examination of the party alleged to be insane, and according to forms prescribed by the State Commissioner in Lunacy (with the State Commission in Lunacy); and every such certificate shall bear date of not more than ten days prior to such commitment.

SECT. 3. It shall not be lawful for any physician to certify to the insanity of any person for the purpose of committing him to an asylum of which the said physician is either the superintendent, proprietor, an officer, or a regular professional attendant therein.

Hardy, the prison physician. Within the year Dr. Hardy was relieved of all duties in the Department save those of Examiner in Lunacy, and our joint functions became and have continued independent. Upon the death of Dr. Hardy in April, 1886, my present associate, Dr. Allen Fitch, was appointed.

In the earlier days there was no special place for the reception of the alleged lunatic; and he was examined where he might be, in prison or hospital. Then all the suspected insane were sent to Bellevue Hospital, and placed in the "cells." There were two wards in the basement of the building, one for males and the other for females. In these wards were received, not only the supposed lunatics, but all alcoholic, violently delirious, and refractory patients of the hospital; and frequently criminal patients were sent there, too, for safe keeping. I remember very well visiting the "cells" as an interne of the hospital, when all these classes were received. I was called as a surgeon to see a wretched woman, who had received a fracture of the arm in a drunken brawl, and who had been committed there as an alcoholic. It was at night, and the light was dim; and a little child, scarcely more than three years of age, was clinging to the skirts of its mother, who was sodden with liquor. As I examined the arm of the drunken mother, the beautiful, innocent, pleading face looked up to me for mercy for her mother; and I could not but be gentle with her for the child's sake. I thought if the mother would only look upon the child with but a tenth part of that humanity and sympathy with which the child looked up to me, what a vast difference the case would assume. While this was taking place, I could hear the shrieks of fear on all sides from those in the delirium of alcohol by which the disturbed lunatic was continually excited.

Long before 1882 the Commissioners of Public Charities and Correction had recognized the necessity of separating the insane from the alcoholic; and their persistent application had obtained an appropriation for the erection of a separate pavilion for the reception of the supposed insane. The year 1879 saw the completion of the present Reception Pavilion for the insane at Bellevue Hospital. It was erected in the grounds of the hospital, and is a one-story brick building, divided by iron doors into two wards, one for males and one for females. Each side has a corridor, lighted and ventilated from above, containing eight rooms for patients, besides an examination room (which contains record and history books, and a medicine and instrument chest), a kitchen, where not

only food is received for the ward from the general kitchen of the hospital, but special diet is prepared as the resident physician may direct, the carving is also done, and all dangerous knives are kept there. One room is set apart as a linen closet, where the bedding and necessary clothing are kept for patients. There is also a lavatory, bath-room, and closets, removed from the ward by a passage ventilated and lighted by windows on either side, as well as by windows on either side of the closets.

The only criticism that can be made concerning the Pavilion is that it might contain more sleeping-rooms, so that patients might be retained longer under observation without overcrowding. The cells were and still are under the care of the house staff, the medical staff dividing the service in looking after the cells. When the Pavilion was first established, it was placed under the same care, the house physician, having the supervision of the cells, also had the care of the insane admitted to the Pavilion. The Examiners then only passed on the mental condition and the propriety of commitment or discharge, the treatment of the patient while in the Pavilion resting with the house physician, who had no special training in the care of the insane, and who had already sufficient work to care for his patients in his regular service, where his interest and heart really were. The oversight of the alcoholic and insane patients was an extra and entirely secondary duty of a busy physician. Soon after my appointment in November, 1882, Dr. Henry V. Wildman, who has had several years' experience as assistant physician at the asylum on Ward's Island, was appointed Resident Physician at Bellevue Hospital, in charge of the Pavilion for the insane. He resigned in October, 1887, and was succeeded by Dr. Stuart Douglas, who had been assistant physician at the City Asylum for over six years, and who is still Resident Physician. In 1885 the general oversight of the Pavilion was placed under Dr. A. E. MacDonald, the General Superintendent of the New York City Asylums.

You may now ask, Whence came the patients? The majority received at the Pavilion are committed by the Police Justices to the care of the Commissioners of Public Charities and Correction for examination as to sanity. The usual term of commitment is five days. Why *five days* nobody seems to know, except that such has been the custom, and that length of time is usually sufficient for the purpose. The Police Justices commit for examination regarding sanity such persons as manifest evidence of insanity, in these classes :—

1st. Those persons who are arrested for petty offences, the nature and manner of the occurrence indicating an unbalanced mind.

2d. Those who interrupt public meetings or divine service, who preach or orate in public places, their conduct appearing to be irrational.

3d. Persons making complaint before Police Justices, at police stations in other courts, to the district attorney, or other public officials of wrongs and persecutions or of claims that appear to be imaginary.

4th. Where complaint is made by citizens of persons who annoy them upon pretence that seems irrational.

5th. Persons who may be found by the police wandering about the streets in an aimless or purposeless manner, or acting in a strange manner, or who are unable to give a rational account of themselves.

6th. Those who have attempted suicide.

7th. Those who are brought before a public magistrate, where the charge or testimony would warrant the suggestion that the individual might be insane and irresponsible.

It is not infrequent for Police Justices to commit persons for examination, and to indorse across such commitment, "To be returned to court if found not insane." In fact, Police Justices endeavor to be just, and to commit no person for lesser crimes, when evidence is produced to indicate insanity and irresponsibility, until the question of sanity has been passed upon by the City Examiners. In cases of grave crime, they commit for trial, leaving the court of higher jurisdiction to determine the question of sanity and responsibility.

The Superintendent of the Poor, acting for the Commissioners in cases that are made public charges, where evidence is furnished that such person is insane and requires care and treatment as an insane person, gives permits for admission to the Pavilion for examination.

The Examining Physician for the Department, where admission is sought to some hospital and his examination leads him to suspect insanity, gives permits for admission to the Pavilion for special examination regarding the applicant's sanity and fitness for admission to the City Asylums or other institutions of the Department.

A certain number of patients are brought by ambulance from

residences, where the statement of friends or the conduct of the patient leads the ambulance surgeon to conclude that the patient is insane. Some are sent directly from police stations, without a commitment from a Police Justice. These are usually excited, violent, or sick cases, in which the police feel they are not justified in retaining the individual at the police station for the time required to obtain the formal commitment. A few cases are admitted by the Resident Physician, where patients are brought by friends with letters from a family physician, or come voluntarily, or consent to temporary restraint. Where the patient is violent, dangerous, or very sick, the Resident Physician feels justified in admitting to the Pavilion without the formality of a commitment by a magistrate. In other cases, it is his habit to recommend an application to some Police Justice for formal commitment.

Patients are transferred from the regular wards of Bellevue Hospital and from the alcoholic ward, but only after the examination and approval of the Resident Physician of the Pavilion (he indorsing the card with his signature) before the transfer is made. Patients are received from other hospitals and institutions when brought to Bellevue by ambulance. (I have thus far gone into this subject of admission to show the precautions that are taken to prevent the temporary detention even of any improper case in the examining Pavilion.)

Where cases of insanity develop at other hospitals or institutions in the care of the Department of Charities and Correction, by order of the General Superintendent it is the duty of the Resident Physician of such institution or hospital to report to the Examiners in Lunacy, in writing, the existence of such patient and a history of the case, and to state that, in his opinion, the patient is in such physical condition as to justify his transfer to the Asylum. The Examiners are directed to visit such patients at the various institutions where they may be, and pass judgment on the question of sanity and propriety of commitment to some of the City Asylums. The Examiners prefer to make their visits separately and to arrive at independent conclusions, though they have subsequently to unite in a dual certificate.

Under the present dual certificate required by law, we are in the habit of dividing the work; and, while one Examiner makes out the certificates for the males, the other does so for the females. We alternate each month. The first Examiner, after the completion of his examination, makes out (if he considers the patient insane) a

certificate, and makes oath to it before a notary public, leaving the certificate in the notary's charge. The second Examiner, if of the same opinion, signs the certificate prepared by the first Examiner, with such additions as his examination may lead him to make; then makes oath, as did the first Examiner, before the same notary, who acknowledges the certificate, and in this form it is presented to the Judge for approval. Should the two Examiners disagree in any case, as sometimes occurs, the case is referred to the Resident Physician, whose opinion decides the disposition of the case.

Discretion is exercised by the Examiners and by the Resident Physician in regard to the discharge of patients to the care of friends and relatives. If the friends show a disposition and ability to care for the patients, they are usually discharged to their care, if they sign a contract agreeing properly to provide for them. If the patient be decidedly dangerous to himself and others, we usually insist that arrangements be made with some institution for proper care and treatment. All that is required is a reasonable assurance that both the patient and the community are properly guarded. When once the patient is lodged in some institution, the Examiners consider their responsibility ended. Of course, improper commitment or discharge would be still chargeable to them. Beyond that, they could hardly be held responsible. The Examiners stand between the patient and the community. They must guard the welfare of the patient, consider his right to enjoy liberty and the pursuit of happiness; and at the same time they must guard and protect the community.

A patient should be committed to an institution for the insane for the following reasons:—

1st. As the best means to insure recovery. Patients having large wealth may be as well treated and gain some advantages by home treatment, where the home can be constituted an asylum for a single patient. In most of these cases, the only advantage gained is the avoidance of the name "asylum." The benefits of the order and discipline of an institution in very many cases outweigh all the advantages of home treatment. In public cases, this mode of treatment is usually out of the question.

2d. For the patient's safety and well-being, they must be protected against themselves and their own acts. They must be guarded from suicide, self-mutilation, and from acts that result from a failure to appreciate their surroundings, such as playing with fire, turning on gas, interfering with poisonous or dangerous

substances, exposing themselves to heat and cold, walking into dangerous places, and incurring the thousand and one risks that demented persons have done and are ever apt to do again. Very many, unable to support themselves, suffer, when at large, from lack of food, clothing, and shelter, and are constantly being brought to the Pavilion in the most wretched condition. This class of patients are usually fairly well off under supervision, and conduct themselves well in asylums. Many have to be protected from extravagances and waste of property, the result of delusion or lack of appreciation.

3d. For the protection of the community. The public demands protection from acts of violence, and from the dangers arising from the purposeless acts of the insane that threaten the public as well as themselves; those having delusions, the nature of which might lead to murder, assault, or serious annoyance. Ladies have a right to walk the streets without being accosted, annoyed, or frightened by lunatics who fancy the ladies are in love with them; and the husband should be permitted to enjoy his home without interruption and threats from an insane person who imagines the wife is in love with him, and that the husband has cheated him of his rights. The lunatics who believe themselves kings, queens, presidents, heirs to thrones and property, and the like, are always dangerous, as well as those who have delusions of persecution. Those who have hallucinations, especially of hearing, are dangerous; for they are influenced by their hallucinations. The voices that direct the lunatic may never make him dangerous to the community; but who can tell what the next communication may be? God may tell an Abraham to slay his son, and never stay his hand. Simple Simon has wandered through the streets for a generation, and is being jeered at by the boys, as their fathers did before them; but to-day he turns, and with club or stone dashes out the brains of some innocent boy. It is a duty now generally acknowledged, of the community, to care for the insane who have not friends with means or the disposition to do so.

Public and newspaper criticism is largely due to ignorance or a tendency to jump at conclusions without fully inquiring into the method and care exercised, not only in the examination and commitment of the insane, but their treatment in public institutions. I believe that the citizens of New York City can take pride in the methods employed in the examination and commitment of public insane, and the provision for the care of patients during such



examination. The Reception Pavilion is in every respect a hospital, with a Resident Physician and competent and trained attendants. Unnecessary detention at police stations and prisons, and the mingling of the insane with the criminal class, is avoided. All patients transferred from the Pavilion to the Asylum are accompanied by attendants of their own sex, who remain with them until they are turned over to the care of the asylum authorities. Opportunity is afforded, in very many cases, to obtain a history of the patient, and to consult with friends and allow them the privilege of providing for the patients in other institutions, if they have the means and disposition to do so.

The Superintendent of the Poor, Mr. William Blake, visits the Pavilion daily, and institutes investigation to ascertain if the patients are proper public charges and if they be properly charged to New York County.

The following table will show the number of patients received during the past four years and their disposition :—

	Sex.	Admissions.	Transferred to the City Asylums.	Transferred to other Asylums.	Transferred to other institutions.	Discharged.	Died.
1888 }	Male	997	650	87	135	109	8
	Female	854	616	36	104	87	11
1889 }	Male	1,075	641	139	87	198	16
	Female	843	625	46	63	93	12
1890 }	Male	1,066	658	71	193	135	12
	Female	830	601	37	70	103	14
1891 }	Male	1,138	724	56	187	144	16
	Female	866	671	23	54	100	17
	Total	7,669	5,186	495	893	969	106

Total Commitments,	. . . . .	74.09 per cent.
"	" to City Asylums, . . . . .	67.62 " "
"	" other Asylums, . . . . .	6.47 " "
"	" transferred to other Institutions, . . . . .	11.64 " "
"	" discharged, . . . . .	12.63 " "
"	" died, . . . . .	1.38 " "

The percentage of discharges when I was first made Examiner was over thirty-three per cent. The percentage has gradually

diminished, from the great care exercised in the exclusion of admission of improper cases to the Pavilion. The number of admissions has decreased but slightly, but the number of improper admissions has lessened very much. This is due very largely to the oversight of a competent Resident Physician with increased power.

In conclusion, I would state that every precaution is exercised to prevent improper admissions to the Reception Pavilion, and that the Examiners try to obtain histories from friends of all patients as to previous condition and conduct, and use this as independent evidence in determining the true mental condition of individuals who are presented to them for examination. We cannot but take pride in the fact that very seldom is a case registered at the Asylum as not insane (I believe but three times in ten years), and never, to my knowledge, has a discharged patient committed any outrage against the community in that time. The nearest approach to this was when a mother was discharged to the care of a daughter, when six weeks later both committed suicide. The one other case was a man who was sent to the almshouse, and some weeks later got into the river and was drowned. Whether this was a suicide or the act of a demented person is still a question. A large number of almshouse inmates are wildly demented, and are acknowledged to be so. These are the only evidences of misjudgment in the past ten years known to the writer.

A female reporter was sent to the Asylum, and much newspaper comment was aroused; and the Examiners cannot now appear in court without the question being asked them, "You once pronounced a sane person insane, did you not?" We are fallible. When we are called upon to examine a criminal where there is an object to simulate insanity, we are naturally suspicious, and view the case in that light. Why should we look upon every admission to the Pavilion with suspicion? Why should we consider every person an impostor? The individual person referred to was duly committed by a Police Justice for examination, and the matron of a Home came and gave a history of irrational conduct, and that delusion was expressed sufficient to induce her to make the charge of insanity before the committing magistrate. That person's conduct was irrational while in the Pavilion, as it was before the Examiners. She expressed inability to appreciate her surroundings, and would give no account of herself, and acted an inability to do so. There was no more reason to disbelieve her conduct and answers than those of any other patient. From her assumed con-

duct she could not be cast upon the street, and no account could be obtained of any friend to whom she could be turned over or who could give any history of her. She was simply a demented person, to be cared for until friends should appear, or she recover from her apparent demented condition.

The Examiners of Lunacy in New York City are called upon to pass judgment upon about two thousand cases each year, of all nationalities, races, and colors,—those who speak only their native languages, and individuals from every land under the sun,—patients and friends often telling untruthful stories from beginning to end. I have not unfrequently visited the Pavilion, finding ten patients on a side, not a single one able to speak the English language, and for a number of which it is impossible to find any interpreter. I can remember once when one of the Commissioners of the Department tapped me on the shoulder, and, pointing to a Chinaman, said, "Don't send him to the Asylum, for no one will be able to say when he has cleared up." It must be borne in mind that most patients committed to the Pavilion perceive the nature of the place, and are at once on the defensive and deny their delusions. Even demented patients seem to grasp the situation, and those who speak but little English at once deny their ability to speak any but their native language. Under such disadvantages we work; yet we strive to be just, not only to the patient, but to the community.

## COUNTY JAILS AS REFORMATORY INSTITUTIONS.

BY EDWARD B. MERRILL, OF NEW YORK.

[Read September 1, 1892.]

In the consideration of the topic assigned to me for this meeting of your Association, you will be confronted by no new theories. In view of all the contributions which make so compact a body of the literature of knowledge upon this subject,—to be found well preserved in the various reports of penologists and of legislative committees, now so accessible to the seekers for information, and to those other papers which compose so splendid a literature of power,—the culmination of which, I think, is reached in the philosophic essay upon Prison Ethics by Herbert Spencer, in which he lifts with his strong hand this somewhat trite and difficult question of sociology to the high plane of public morals,—I cannot be encouraged by any light ambition in hoping to say to you anything new. Of the right to punish for crime, of the laws of nature and of society upon which that right may be based, and of their purpose, now so generally well settled and embodied in every known system of jurisprudence,—on these subjects I have nothing to say. I must now attempt to speak to you upon the county jail as a reformatory and State institution from an absolutely practical standpoint, or be dumb. And I mean by this use of the word “practical” to give you, without unnecessary elaboration, and in such literary form as the matter of this paper and the time for its preparation have allowed, the opinions I have formed from a somewhat extended study of the subject, while serving as a member of a local committee on the jail in one of the counties of this State, together with such suggestions for changes and modifications in the present jail system as have occurred to me as necessary to be made.

The proposed end and purpose of the county jail system is well understood. In one of the States, by a delicate touch of irony, it is classified (but, to speak fairly, for purposes of convenience only) as one of the State *benevolent* institutions. This end and purpose is generally defined with sufficient accuracy for practical purposes

in the statutes of the several States. In New York it is especially provided that the common jails shall be kept by the sheriffs of the counties in which they are respectively situated, and shall be used as prisons for the detention of persons only committed in order to secure their attention as witnesses in any criminal case; for the detention of persons charged with crime and committed for trial; for the confinement of persons duly committed for any contempt or upon civil process; and for the confinement of persons sentenced to imprisonment therein upon conviction for any offence.

By the law of New York, also, where the performance of any act, if prohibited by a statute, and no penalty for the violation of such statute is imposed by *any statute*, the doing of such act is a misdemeanor, the punishment for which is imprisonment in a penitentiary or county jail for not more than one year, or by a fine of not more than five hundred dollars.

No criminal, after conviction, can be confined in the county jail for a longer period than one year.

For the architecture of the jail, it is enacted by the Statute of 1847 that each jail shall contain a sufficient number of rooms for the confinement of persons committed on criminal process and detained for trial, separately and distinct from prisoners under sentence; also, a sufficient number of rooms for the confinement of prisoners under sentence; and also a sufficient number of rooms for the separate confinement of persons committed on civil process for contempt, or as witnesses.

The statute, among other things, provides that the prisoners, so far as practicable, shall be kept separate and apart from each other, and that the keepers shall prevent all conversation between the prisoners. The latter shall also have sufficient quantity of inferior but wholesome food, and shall be kept at hard labor. A Bible shall be provided for each room, and divine service shall be held once each Sunday.

It would be ungracious to criticise adversely the terms and provisions of this Statute of 1847. When we consider that it was enacted forty-five years ago, we can justly say, if we are to consider solely its terms and the amplitude of its provisions for the punishment and reformation of petty criminals, that it is an unusually good statute, and the legislature which passed it is entitled to high praise. But in the observance of this, like that of many other statutes upon kindred subjects, based upon a sentiment too elevated to be reached by the average standard of public

opinion, which keeps all law alive and renders it effective,—this statute looking to the safe detention of the prisoner, to a mild but oftentimes useful and sufficient punishment,—was to be enforced by the sheriff. Now, the sheriff is one of a class of necessary officials, of whom it may be said generally that, whatever their private and personal character and standing in the community may be, as citizens merely, they are not those upon whom should be placed the duty of the reformation of petty criminals; nor from whom can reasonably be expected any extended knowledge of the physical or scientific basis of crime, nor any especially illumined interest in the practical and beneficial results which depend altogether upon such knowledge, and upon the faithful performance of this branch of official duties. So this statute, in all that makes it praiseworthy as an effectively reformatory law, and which otherwise commends itself to our approval, failed utterly in its administration, and is now practically obsolete and a dead letter.

To quote from Mr. Thomas's elaborate and able paper upon the History of Prison Architecture ("The History of Prison Architecture," John R. Thomas, New York, 1892): "A place of mere confinement is one thing, a place of mere punishment is another. A place which—while the prisoner is securely kept in it, and while he undergoes, at the least, the great punishment of a privation of liberty—is also a place of education and a place of reform, in which a prime object is that he shall go out a better and more useful man than he came in,—such a place has architectural requirements of its own, that cannot be satisfied merely by the construction of a place in which prisoners are securely kept, or of a place in which they are certain to suffer."

I suppose that the author of the New York Statute of 1847 really intended to provide for the construction of jails which should be "not places of detention merely, not places of punishment merely, but places of reform"; but how great was the failure in the execution of his intention we shall see later on. Perhaps I can make myself clearer by relating some incidents of my own personal observation. They will certainly make plainer some suggestions I have to offer regarding a change in the treatment of petty criminals, and the future use to which the buildings now occupied as county jails in this State may be put.

The statute I have referred to was enacted in 1847. Some years afterwards a county jail was built by the Board of Supervisors in one of the counties in this State. It stands to-day as originally

built. Upon the outer walls is an inscription, cut in stone, informing the curious passer-by, with a finer regard to the customary game played in the neighboring tavern than to the strict demands of a correct Latin version, that it was "Erected Anno *Domino* 1853."

From the internal form and arrangements of this building, constructed under the supervision of a paid board of public officials, you would hesitate before saying that there was any statute on our books which prescribed the architecture of such a building, or that there are any legal requirements concerning it.

It consists of a long room, in shape that of a parallelogram, in which there is a central tier of two stories. Into these are built some twenty or thirty cells of the usual inadequate size. Upon three sides of this tier of cells there are corridors some ten feet in width, with walls of the height of the building, and with the usual narrow and grated windows. At one end of one of the long corridors there was provided the usually inconvenient, inefficient, and insanitary water fixtures, and no bath-room. At the end of the other long corridor was a wooden door, which was the only entrance into the apartments provided for women and girls under commitment. Into this central room and these corridors all persons, whether old or young, white or black, tramp, drunkard, or loafer, with the convicted or only accused criminal together with the witnesses of the crime, who were held for detention, and persons committed for contempt or on civil process were turned, indiscriminately, like sheep into a fold, there to stay until discharged by order of court. These poor creatures passed their whole days in utter idleness, each talking and teaching to the others, in the relating of his personal experiences, his methods of living, and every device known to any one of them, and such other schemes as could be planned by an exchange of the events in his past life.

Through this crowd, jeered and insulted by both men and boys, were led or carried the women prisoners to their separate apartment. And through this wooden door, when both departments happened to be occupied at the same time, which was usually the case, a conversation between the prisoners passed, the profanity and indecency of which, on the one side of the partition, was only equalled by the licentiousness and depravity on the other side. This wooden door was afterwards replaced by one of iron; but that was not entirely effective to prevent communication between the inmates. The provisions of law for separate rooms for certain

classes of prisoners were substantially ignored in the construction of this building. And, as the law limits the sum to be expended in the enlargement and repairs of the jails to five hundred dollars, no changes could be made in that regard. The average number of prisoners was twenty. The food supplied by the sheriff was far from inferior, and it was furnished at an extravagantly high price. In fact, the sheriff kept a boarding-house for petty criminals at the public expense, the rates of board varying in price in different years, from three dollars and a half to four dollars and a half per week for each criminal. These sums were always paid with but little, if any, sincere criticism by the public officials. A full house was altogether dependent upon the good will of the magistrates of the county who made the commitments. The food furnished was of a much better quality and of more variety than is usually found upon the tables of the farmers and mechanics in that neighborhood,—honest, industrious, and law-abiding citizens, who pay their own bills.

A sincere effort was made by application to the county judge, and by repeated applications to the Board of Supervisors, to change this abnormal condition of affairs, and to bring the order of administration of the jail more into accordance with the provisions of the law, by providing labor for the prisoners in breaking stone for use on the public highways. And while for a brief period this was partially accomplished, yet, upon the whole, the effort failed of success. Some reasons for the failure I shall refer to later.

In 1858 a step was taken by the legislature of New York to put the jails to a better use than that of a pretended reformatory institution, by a provision of law (Ch. 139, L. 1858) which permitted the supervisors of two of the counties of this State to contract with the Board of Supervisors of Albany County to receive and keep in the Albany County Penitentiary any person or persons who should be sentenced to confinement at hard labor by any court or magistrate in either of these two counties for any term not less than sixty days. And it was made the duty of every court, police justice, justice of the peace, or other magistrate by whom any person could be sentenced in either of these two counties, for any term not less than sixty days, for any crime or misdemeanor not punishable by imprisonment in the State Prison, during the continuance of the contract before mentioned, to sentence such person to imprisonment in the Albany County Penitentiary, there



to be received, kept, and employed in the manner prescribed by law and the rules and discipline of the penitentiary.

This Act of 1858 was amended in 1859 (Ch. 289, L. 1859), and further amended in 1874 (Ch. 209, L. 1874), when it was extended to all the counties of the State, so that thereafter the misdemeanants sentenced for not less than sixty days, if the Boards of Supervisors contracted to that end, might be sent to the penitentiaries instead of to the county jails.

Accepting the privileges as embodied in the provisions of this law of 1874, a contract was made by the Board of Supervisors of the particular county whose jail I have described, with the Board of Supervisors of a neighboring county in which was located one of the penitentiaries of the State, by which contract it was agreed that such sixty-day prisoners as should be committed to such penitentiary should be there received and confined at an agreed price not exceeding one dollar and a half per week. This contract, while it continued in force, resulted in a considerable saving of the public funds. It was a means of confining misdemeanants in a prison where the discipline and punishment were more in accord with the requirements of justice and of the criminal law; and it also almost depleted the boarding-house of the sheriff. It was, I think, mainly owing to this last result that the law in that part of the State became a dead letter. I believe that after the contract had expired by limitation it was only once renewed; and the law, though it remains upon our statute book unrepealed, is obsolete. You know that under the laws of New York the sheriff is the legal jail-keeper, and that he and all the magistrates are officers elected by the people; that the offices are the chief spoils of the local politicians, and to get and keep them the end and aim of their existence. Now, as soon as the sheriff discovered that his total fees as turnkey were being reduced in amount, that the number of his boarders was lessened, and dire destruction threatened his almost sole business and occupation, he was not slothful in finding out the cause; and he found that it was not because petty crime was less in that county, but because the magistrates, in obedience to the then new provisions of law, had sent all the sixty-day prisoners to the penitentiary. The jail-keeper himself will tell you he is not there for the purpose of lessening crime, nor are his nights disturbed nor is his rest broken by reflections upon the wisest methods of reform for the petty criminal. Under the present system his object, for reasons personal to himself, lies in the other

direction. His interest as an office-holder, paid by fees as turnkey and by board money, is in a frequent opening of the doors and in having the jail well filled with boarders. So, to stop this depletion of his income, and to prevent the office of jail-keeper from becoming utterly useless as a money-making position, his political training and party standing were of use to him; and it needed but a word or a hint of his wishes to his co-politico magistrates to have them avoid the strict provisions of the new law, from the observance of which something of advantage and benefit to the public, and to the criminal, in the way of training, discipline, and reform, was reasonably to be expected. And this avoidance they each of them evidenced by thereafter sentencing all the petty criminals who were convicted before them to fifty-nine days in the county jail instead of to sixty days in the penitentiary.

We found that neither sheriff, nor jail-keeper, nor magistrate could be expected to evince any regard for law or for public opinion, or any respect for the requirements of a sincere and strict performance of the duties of the office of the petty magistrate, for the possible reform of the criminal or the duties of the good citizen, if their party leaders for any reason required it to be otherwise, or if the personal advantage of the party office-holder thereby assumed any risk. This was a verification, from his own neighborhood, of the apothegm of the Bishop, "that a public office is a private snap." To counteract this intentional violation of their official duties, and the non-observance by the magistrate of the provisions of this excellent law, it was suggested that the office of jail-keeper be made a salaried office, at such salary as the several Boards of Supervisors should fix, and the price of board of the criminal be limited to a sum not to exceed the highest price paid to the penitentiary, or one dollar and a half per week. This method, it was thought, would in a large degree reduce the annual expenses of the jail, remove the chief inducement to keeping it full of boarders, and by indirection relieve the magistrates from the temptation to maintain their party standing by subserving the material business interests of one of their local party leaders. But this proposition never passed beyond the point of suggestion. And, while it was deemed to be in every way practical, no organized and persistent effort was ever made to enact it into a law.

I do not feel that, by whatever else I may say to you, I can make clearer the present condition of the "County Jails as Reformatory Institutions." The subject of the care and reform of petty crimi-

nals is one which, on its practical side, touches life and society at many points. If we deal with it broadly, in general terms, or upon the highest ethical plane, we shall escape all criticism save such as is borne in the ordinary and usual phrases which follow every *a priori* discussion,—that it harms no one and may please for a time those who engage in it, but that liberty and the State are still safe. But when one attempts, in some practical way, from a benevolent, or philanthropic, or charitable, or scientific motive, to interfere with the established and time-worn methods, and to change any system or part of a system of *quasi*-organized public and State institutional or jurisprudential polity, at that moment he moves upon a watchful and suspicious public force, and touches the sensitive tentacles of the commonalty themselves at many points. He must of necessity, in the present order of things, interfere with the vested interest of the politician, the purveyor of offices, the office-holder and office-seeker; the distiller, brewer, and liquor-dealer; the parents of children either born into a career of crime or led by the failings and neglect of their natural guardians and by the temptations of their environment to fall into it. He will also touch the penurious private citizen at his most sensitive point of tax-paying; and the intending reformer's patience will be tried to the last degree of endurance by the foolish and affected sentimentalists, whose interest in the criminal class early and easily, but repeatedly, expends itself in a few caramels and flowers, and in vacuous phrases of prim and prudish pretensions. It was in the West, where a visitor at the jail said to the man behind the bars, "Poor, poor man! may I offer you this bunch of flowers?" and he replied, "You've made a mistake, Miss: the fellow that killed his wife and children is in the next cell. I'm yere for stealin' a cow." And all these will, each in his own chosen way, express his opposition, and condemn at the first hearing every contemplated reform, whatever may be its historical support or scientific merit. And it is just here, at the outset of any well-considered work in this direction,—when one meets with a difficulty in arousing any active and intelligent interest in the career and reformation of misdemeanants, and with the loud and exaggerated expression of opposition on the part of the thoughtless and really indifferent citizen,—that one almost despairs of the real usefulness of any effort on his part toward this end. I know nothing of the "higher criticism"; but, with this before me, I lose faith in the early maturity of the promises of poetic prophecy, when, with impunity, the "sucking child

shall play on the hole of the asp, and the weaned child shall put his hand on the cockatrice's den."

Crime may be defined as a violation of public law. In ancient times, when there was no organized society, and before man was possessed of any belief in personal rights of property or life, when "might was right," and brute force ruled every tribe and family, almost every person may be said to have been, more or less, a criminal, and crime to have been a violation of private right, and perhaps of divine law. Those men and women who, then living, perceived in themselves and their fellows the possession of a moral sense, who listened to its precepts, assented to and obeyed its suggestions, being guided by it in the conduct of their lives, finally brought the human race up to that point of development where society could be organized upon a civilizing basis.

Since that day, by slow degrees, but with halting footsteps, crime has gradually decreased. But it still remains what it has always been, a difficult problem with which to deal. The theologian has endeavored to treat it by an exegesis of the text, "The heart is deceitful above all things, and desperately wicked," and he has failed; the missionary has tried to cure it by a distribution of "tracts" among criminals, upon some irrelevant topic, and he has failed; and society, while protecting itself in a slight measure from the annoyance and expense of crime and the criminal by the enactment of laws of more or less efficacy for the time being, which laws, by providing for the detention and punishment of the criminal, have done nothing in the direction of a permanent reform, may also be said to have failed. But I am persuaded we shall, by the labors of Christian men and women, by the studies of scientific men into the laws of life, and in their physiological and psychological researches, discover at the last the causes of crime to which an abundant remedy may be applied.

I have been greatly interested in a paper read before the Indiana Medical Society in June, 1891, by Gonzalva C. Smythe, M.D., upon "The Influence of Heredity in producing Disease and Degeneracy," to much of which I incline to give my entire assent. In course of his discussion of his topic, he says: "It is conceded now by almost everybody that insanity is not a disease of that immaterial, unknown quantity formerly known as the mind; but, on the contrary, it is an abnormal physiological and psychological manifestation of a physically diseased and degenerate nervous system. It is impossible for me to conceive of a mind separate and

distinct from a brain, any more readily than of digestion without a stomach and gastric juice, or the secretion of bile without a liver. . . . This unfortunate class of patients is no longer regarded as demoniacs, and the clergy is no longer expected to relieve them of devils by casting them out. It is certainly a physical disease, and in a large proportion of cases is caused by heredity. But it may be based upon an acquired condition, which is also clearly transmissible to offspring. . . . Crime based on a degeneration of the nerve tissue, inherited in this manner, is a physical disease as certainly as insanity and inebriety, and is the result of imperfect cerebration of a badly constructed brain. The thoughts, feelings, desires, impulses, and, in fact, all his actions, the inability to restrain himself even when he is fully aware that he is committing a crime against the law and humanity, is a physiological and psychological result of the anatomical construction of the criminal's brain."

If this position be scientifically correct, you will readily perceive the variance in their respective directions of the lines along which run the causes of crime and the methods which have been adopted for its reformation and cure.

There will be no difficulty attending any effort to find testimony to establish the fact that crime, like insanity and inebriety, is hereditary. The history of the Jukes family, by Mr. Dugdale, the reports of the State Boards of Charities and of city missionaries, and many monographs upon special cases will abundantly supply the evidence if the facts should be disputed.

If the cause of any human ill is discovered, and the fact be admitted that such ill is transmissible to offspring, a great light is at once let in upon the way to its cure; and the duty is clear, if you could remove it. The criminals which we are considering are classed as petty criminals, or misdemeanants. As the degree of their crime is deemed to be petty and their punishment for a short period only, one might reasonably presume that it should not be a difficult matter with which to deal, nor one the reformation and removal of which might not be accomplished. But it is far otherwise. We have been too lenient towards crime and its causes, and towards its miserable subjects. The labors of Howard and Dorothea Dix, and of all the other benevolent saints, philanthropists, and preachers who have heretofore undertaken in all sincerity the accomplishment of so beneficent a work, have so far all but utterly failed. All that we in this nineteenth century have to show as the outcome of all their labors is the institution now known

as the County Jail. As practically administered, I have fully described it to you. It still remains as it was before the fathers, and the practices and methods of its administration are but little, if any, better now than then. I do not hesitate to say that, as Reformatories, they are false in name; that they are utter, absolute, and positive failures, a disgrace to our boasted and boastful civilization, a preposterous institution, worthy only of plenary condemnation when measured by the tenets of the Christian religion, and, when contrasted with the conceits of mankind, fit subjects only for the scornful laughter of the gods.

As reformatory institutions, they do not reform, but they impair. The confinement therein, in idleness, is an entirely inadequate punishment; and they are always a refuge for the hardened and incorrigible misdemeanants, who oftentimes commit a petty crime in order that they may be committed there during the winter months, as it is for them the warmest, most social, and best provisioned abode to which they have ready access. The discipline does not deter any one from the violation and continued violation of law; and, as jails exist to-day, with but one or two notable exceptions, they serve the public only as the preparatory school for advancement in crime, out of which the most apt pupils are matriculated into the State Prison and to moral death.

If such an institution be allowed to live; if its defects of administration be continued, and such direful results be viewed henceforward with the same constant and apathetic indifference as in the past; if the care and treatment of petty criminals be not changed and the canons of jail discipline be not made more consonant with the rights of the individual, as maintained in a well-ordered community; if we still close our eyes to the immoral epidemic which so insidiously encompasses and attacks the young, the ignorant, and the inexperienced, and, still refusing to them a helping hand, we blindly follow the insufficient, destructive, and inequitable methods of the present system,—I cannot refrain from asking, in view of the creeds of the churches, of the preaching of the Divine Master, of our duties under the maxims of good citizenship, of our education and of our own self-respect, in what set terms we may express the excuses for our neglect, of how we can make answer to the prayer of, "Lead us not into temptation," nor of how society before the everlasting judgments of God can stand justified.

I have no quarrel with any one who deems my judgment too

severe, or who may differ from me in opinion as to the remedy for all this ill which I have to offer for your consideration ; nor any vanity to be hurt if my propositions for the reform of petty criminals be wholly rejected. The suggestions I make, as tending towards the result we all are seeking, may perhaps furnish a standing place, if nothing more, for the discussion, or the beginning of a new consideration, of this important and vital question of sociology, What to do with the petty criminal and with the incorrigible misdemeanant? And, if such standing place only be adopted and such discussion be begun on these lines, I shall be content.

If these statements regarding the county jails are a fair disclosure of their present condition and administration, and of their complete failure as reformatory institutions, then, of course, as places for confinement of convicts, we must adjudge that they should be abolished ; for otherwise we condemn ourselves. But before such a change in the administration of our criminal jurisprudence is made, some substitute must be devised and provided to take their place, such as will more equitably and wisely meet the intrinsic necessities of the question, and tend in a larger degree both to reform the ordinary criminal and to reduce crime. I shall express my suggestions towards such a change in a formal way, and as briefly as their number and scope will permit.

*First.*—Petition the legislature for an act directing the governor to appoint an independent and non-partisan commission of five persons, to be composed of both men and women, without salary, their personal expenses only being paid, to serve for two years ; they being directed to personally visit and examine every jail and penitentiary in the State, and report to the legislature upon their location, architecture, sanitary condition, adaptation to their present pretended use as reformatory institutions, and also upon the number, sex, age, parentage, residence, occupation, and nationality of the inmates.

*Second.*—Based upon such report, an act should be prepared providing for the establishment of workhouses and reform and nautical schools, to which all petty criminals should be thereafter committed ; and the jails as places for the confinement of petty criminals should thereafter be abolished. The act should embrace, in every possible aspect and regard, the future care, punishment, and reformation of the inmates, and a strict observance of its provisions be made mandatory upon all the courts. The respective

workhouses and schools for males and females should be located in different districts; and the districts may, for convenience and economy, be composed of several counties. The various schools of instruction and occupations of the inmates should be placed under the care, visitation, and supervision of either the Superintendent of Prisons or of the State Board of Charities; or, better still, of a local, independent, non-partisan board of three or five persons, both men and women, resident in the district in which their institutions are located, and to be known as the Board of Control of Reformatory Institutions. To this board, in conjunction with the superintendent or matron in charge, should be left the entire care, instruction, occupation, and final disposition and discharge of the inmates. The habitual drunkard should be sent to an inebriate asylum; and both he and the incorrigible criminal should be sentenced indeterminately, and without power of pardon by the Executive. The Board of Control for each district to meet all the other boards in the State at stated quarterly periods, to compare their work, discuss new problems appertaining to their work, as they may arise, and to make annually a joint report to the legislature.

*Third.*—Every subordinate officer and employee, under the Superintendent of Prisons, and all such as may have the charge and superintendence of the proposed workhouses and Reform and Nautical Schools, under the State Board of Charities, or the proposed local Board, shall be classified under and placed within the provisions of the Civil Service Law, so that every superintendent, official, matron, employee, servant, and laborer therein shall be removed from partisan politics.

*Fourth.*—Add to the duties of the State Board of Health an active and compulsory examination and oversight over the physical and sanitary condition of each workhouse, school, and inmate, with ample powers to effect all proposed changes, and to employ the inmates, if desirable, upon any work of public drainage and otherwise, and to report in detail each year.

*Fifth.*—Congress should pass an Act forbidding the landing of any immigrant in whose family there has been a convicted criminal for the past three generations. Each immigrant to furnish such evidence by affidavit of two unrelated persons, to be sworn before, and a certificate thereon obtained to that effect from, the American consul at the port of departure. Every steamship or sailing vessel to be heavily fined if convicted of bringing any immigrant without such certificate.



*Sixth.*—The passage of a strenuous compulsory education law, with appointment of truant officers to attend to its enforcement, such truant officers to be under the Civil Service Law.

*Seventh.*—Absolute prohibition of sale or delivery of intoxicating liquors to minors, under penalty of forfeiture of license.

*Eighth.*—An absolute provision of law for a complete jail delivery every thirty days.

*Ninth.*—Especial provision for absolute separation of husband and wife when either or both are criminals, and also the separation of children from criminal parents, with provisions for their care and education in some institution during minority.

Such, in brief and informally, are the suggestions I have to submit to you, as the results of such consideration as I have given to the topic in hand. They are submitted with a slight hope that they may give some direction to a more philosophical and equitable solution of our difficulties by persons of more experience and riper judgment.

The inexorable logic of the laws of nature I deem to be a great encouragement to any future efforts of the sociologist to make our common jails to be reformatory institutions in fact as they have heretofore been in name and intent, but which in reality are such lamentable and disastrous failures. For if, by observation and reflection, both the physical and mental bias and idiosyncrasy of the misdemeanant can be accurately discerned, what can prevent, by a careful induction, the ascertainment of the cause? and, the cause being discovered, a remedy may be applied. If it be ignorance, you may compel study; if alcoholism, restraint and abstinence; if heredity, a change of environment, diet, and discipline; if idleness, a compulsion to labor and to the conquest of slothfulness. But, if after all has been done that can be done, the criminal be incorrigible, then for him only absolute and final seclusion from the world, without power of pardon by any executive authority, will meet the just demands of society and of the highest equity.

To accomplish such results, you have the willing aid of a large body of helpers: the great majority of estimable citizens who keep the law and preserve the autonomy of the State; the clergy, whose office and province it is now, as it has always been and will remain, to preserve among the people the "abiding naturalness and beauty of the sentiment of patriotism," to inculcate the noblest spirit of civic virtue and public duty, and to teach in words of liv-

ing light how far above the mere self-satisfaction of the Christianity of talk is the more exceeding glory of the Christianity of thinking and doing; the learned body of scientists, with all the world as their realm, to whom nothing is foreign which relates to either the "magnitude of nature or the majesty of man"; and those many philanthropists, patriots, and reformers, lovers of their country, and of children, of men and women, of the poor, the neglected, the outcast, and the criminal, towards whom society in general, from fear or indifference, offers but an averted head. From all these and more we shall find such aid and help in our endeavors, shall in the end reach such grand results of accomplishment, that, to others who follow, the public prophecy of the millennium on the earth shall become the supreme article of their faith, a record of the promise of Scripture engraved upon the hearts of men, an assurance of the wisdom, and desire for justice in mankind, and of the divine origin of the attributes of human love. You will not despair, even if the mite of your sympathy shall fall without clangor into the treasury of public opinion, and the State shall seem to reject the gift; for on your way to the new home which shall yet be erected for these wayward children of men your footsteps shall lead you past an altar upon which is this superscription: "He that goeth forth in humility, bearing precious seed, shall doubtless come again with rejoicing, bringing his sheaves with him."

## AMERICAN CHILDHOOD FROM A MEDICAL STANDPOINT.

BY HENRY LING TAYLOR, M.D.

A good deal has been said and written about our national temperament and physique; and it is doubtless true that the various stocks of the Old World, transplanted to our soil and subjected to new conditions of life, have felt the moulding influences of changed surroundings. The human organism is pre-eminent in its marvellous adaptability to the most varied conditions of life. It has complex mechanisms which convey, store up, modify, and discharge the showers of impressions constantly received through nerve-endings in the skin, membranes, and tissues, as well as through the organs of special sense. We recognize that different individuals and races react somewhat differently to stimuli: they have inherited or acquired special characteristics of mind and body, largely due to habits evoked by special surroundings, and ingrained by frequent repetition, whether in themselves or in their ancestors. If inherited bias counts for very much in moulding the organism, this is equally true of impressions frequently repeated, or the steady push of constantly acting, though it may be scarcely noticed, forces.

Conspicuous factors in modern life are the extreme specialization of pursuits and occupations, tending to narrow and restrict experience, and the herding together of dense masses of population in large cities, toward which the more venturesome and ambitious individuals tend to gravitate, and where larger opportunities are provided, only at the cost of more strenuous competition, and in many respects less favorable hygienic conditions. Success is paid for, both directly and remotely, in pounds of flesh. It has been claimed that the strongest blood cannot endure continuous city life for more than three generations, but must be kept alive by the infusion of country blood or by the return in some degree to country life. Thus our large cities are a kind of biological furnace, which in the end consumes the lives supplied to it, in order to obtain the product in trade, science, and art. If, in the course of this fiery ordeal, the individual receives a keener temper or a finer

polish, he may not become stronger physically or better balanced mentally; and thousands, unable to endure the strain, are cast off or incapacitated, while hundreds of thousands are not able to transmit to their children the physical endowment which they themselves originally possessed. It is the purpose of this paper to study the physiological tendency of the forces to which many American children are subjected, especially in our largest cities, where the logical effects of characteristic habits or traits are most strikingly evident. Physicians know that city children get too little light and air, do not take enough of the right kind of exercise, are often overfed or underfed, are pushed or pampered too much in their studies, and especially in their emotions, and frequently shorten their childhood to become little men and women before emerging from pinafores and knickerbockers. Such criticisms have been frequently passed, and that they are not unfounded we can all testify.

We instinctively recognize more truth than jest in Henry James's description of the little girl who rushed into the parlor on roller skates, shouting, "Get out of the way!" And we have at once a clearer mental picture of her pale, eager face, slim figure, shallow chest, attenuated limbs, and weak ankles, so inevitably does the simple exclamation suggest a correlated and too familiar physique. Healthy immigrants, or country people coming to the city to live, usually lose their fresh, ruddy color in a few months, and their firm flesh becomes flabby, though city people are, as a rule, better walkers and can stand more of certain kinds of exertion. We may take the physique of the little girl on roller skates as a type of frequent occurrence. In children of the corresponding class the feelings may be intense or sluggish, but in either case betray the lack of proper balance and correct discipline. There is a precocity in knowledge of people and social relations,—darkest ignorance with regard to most natural objects and processes. The mind and body may be restlessly active or listless and indolent. In either case the fundamental qualities of docility and poise are lacking. There may be much development on the æsthetic side, or much in comparison with the neglect of the practical. The city child is handicapped from the start. He is usually produced with difficulty from overtaxed and under-nourished, not necessarily underfed stock, rather than from the superabundant vitality of robust natures. The cultured mother rarely has sufficient vigor to nurse her infant, and it is brought up on some substitute,

which, at the best, is but a makeshift. Whatever modern life and culture may have done for our women, they hardly seem, in their extreme forms, to have prepared them for the intelligent care of their offspring, whose arrival is often regarded with pathetic helplessness. There is, however, enough of New England's "inflamed moral sense" in our midst to furnish our women with a fair share of conscience, so that their errors are as apt to be due to oversolicitude as the reverse. Take the matter of clothing, for example: this is frequently piled on till the hapless youngster presents the appearance of a bale of millinery, impeding movements, keeping the child overheated, and forming a conspicuous part of the hot-house life which the child is henceforth to lead. Literally "hot-house"; for there is something in our houses, their heating apparatus, or the habits of the people, which keeps our residences at a tropical heat during the cold season. I am inclined to think it is partly a result of our high-pressure life. A tired brain and exhausted nerves crave warmth; and indolent or sedentary habits do not predispose one to bear a bracing temperature. Be that as it may, the little ones grow up in an atmosphere of steady, relaxing warmth; and the continual endeavor is to protect them from anything approaching cold. Their baths are usually hot; and there is a noticeable absence of that skin culture which comes naturally to country children, living out of doors, sleeping in a cold room, skating or snow-balling in winter, and swimming in the neighboring pond in summer.

It seems that the whole tendency of city life is toward "making it easy," physically, for the individual by the elimination of all except the simplest demands on the organism,—forgetting that our powers are developed by their cultivation, and inevitably deteriorate with disuse. Our life is so artificial that we require gymnasiums, field-sports, and outings to keep a decent physical equilibrium; and we ought in addition to give particular attention to vascular gymnastics, and to the culture and development of the unstripped muscular fibres, which play so fundamental a part in vital economy, by placing more dependence on their adjustive and resisting powers through a systematic and judicious exposure of the skin to cold water, cold air, and the vicissitudes of weather. As to the diet of children after the nursing age, it is likely that our city children fare better than many of their country cousins. There is probably no country in the world where there is such an attractive variety of cheap and wholesome food of all classes — meats,

cereals, vegetables, and fruit—as in our own. The general habit of fruit-eating, which seems to be growing, is, I believe, salutary, and to be encouraged. Good fruit is practically within the reach of all at all seasons, and we are probably the only nation out of the tropics where fresh fruit is a staple article of diet every day in the year. The temptation and tendency in the diet of children are toward an over-indulgence in animal and saccharine food and in elaborate made dishes; and the practice of allowing children to eat at the same hours with their elders, and substantially the same things, is liable to result in a trying regimen for the child.

In regard to fresh air, the youthful citizen of the metropolis is not likely to get too much of it indoors, and the few hours a day spent on the sidewalk or in a perambulator are a sorry substitute for rolling over the grass or tumbling about the door-yard. When the child is a few years older, the difficulty is increased. Young children are in constant motion; and this is Nature's method of educating the muscles and nerve-centres in the selection and development of those complicated associated movements and correlated reactions which finally form the automatic groundwork of our life. We are brought by these means into contact with all kinds of natural objects, in order that we may become aware of their attributes and react promptly and advantageously to their stimulation. The city child, however, instead of soil with its diversified coverings, has hard and mostly level floors or pavements; instead of grateful greenish, bluish, or brownish tints, the patchwork surface of our houses and streets; and, instead of restful silence or simple and harmonious sounds, the irritating jar of complicated, intense, and discordant noises. We may compare the conditions to which the city child is subjected to the life of a trainman, who is hampered in his movements and at the same time subjected to storms of auditory, visual, and other impressions in unending succession.

I recently had occasion to compare the development of a typical city boy of eighteen months with that of a little girl of fifteen months brought up in a small inland town. The boy was the only child of cultivated city parents. The little girl was the youngest of several children, and her parents were plain tradespeople. Though the girl had congenital club-foot and had never walked, she had remarkably good control over the movements of the arms, legs, head, and trunk. She placed her finger on or grasped an object with exactness, threw a ball with force and precision, and hitched herself about the floor with great dexterity and rapidity.

All her movements were well planned and well executed, and many of them complicated, such as putting a tin cup upon the end of a stick and shaking it without letting it fall off. She could speak only a few words, but had a great deal to say in her baby language. The expression on her face was placid and contented, though often animated; and she would sit for hours on the floor and amuse herself. She rarely cried, took her daily naps as a matter of course, and slept quietly all night. Teething did not annoy her, and, in spite of irregular feeding, her digestion was good.

The little boy refused to creep or sit on the floor at all, but ran about incessantly. His movements, except locomotion, were far less complicated and precise than those of his playmate. He could not put the cup on the stick, though he tried repeatedly, nor throw a ball nearly so well. He was incessantly and intensely interested in the things he saw, but only fixed his attention on an object for an instant. He had no initiative; and, as he was unable to amuse himself, he was never left alone. He talked a great deal, but not plainly, and understood nearly everything that was said to him; and it pleased him to mimic the little girl's ways and prattle. He was very fond of having the piano played to him, and could always distinguish the tunes he had heard a few times. He was bright and intelligent, and, when feeling well, very good and happy, but was a bad sleeper, and at times cross and fretful. In spite of scrupulous attention to diet, he was a martyr to indigestion, and teething caused him much suffering.

It is noticeable that many city children are thrown more among adults and less with children than is desirable, partly from the custom of relegating a large part of the parental responsibility to a nurse, partly from the small average number of children in a family, and partly from the limiting conditions of city life, which are somewhat unfavorable to real sociability. The chances are that, unless a child runs the streets, he will see more of two or three or half a dozen adults than of all the rest of the world put together. This is abnormal and unwholesome, as it deprives the child of the kind of mental stimulus and discipline suited to his age, and substitutes something wholly inappropriate and harmful in its tendency. When the school years come, the children have companionship, at least in school hours, but also in many instances an imperfect school hygiene, with its bad air, poor light, cramped positions, and other drawbacks. Dr. C. F. Folsom says of city school children, "Pale faces, languid work, poor appetite, dis-

turbed sleep, headache, and what is vaguely called nervousness, are more common among them than they should be among children of their ages," and speaks of "constitutions weakened during the school years instead of strengthened, as they should be."

On account of lack of familiarity with country life, many city children of the lower school grades, as shown by President G. Stanley Hall, have the most extraordinarily distorted ideas about the commonest natural objects and phenomena, and much of this mass of misinformation remains in adult life. On the other hand, they may be keen judges of character and conduct, and be well able to hold their own in a bargain or an argument. Of a class of about thirty girls from eight to thirteen years of age, living east of the Bowery, only three had been in Central Park, and only four had ever visited the country. When taken to Central Park by a friend, they first asked if they might step on the grass, and then, with the natural instinct of young animals, lay down and rolled on it.

As already remarked, it is natural for the young child to move about and change its attitude almost incessantly. In the words of Sir William Jenner, "it joys to exercise every muscle"; and it is equally true that its eyes, attention, and mind should never be directed continuously at one object for very long. A child loves to glance at this object, pick up that, reach out for a third, and not restlessly, but wonderingly, caressingly, and joyously, just as, a short time before, the infant played contentedly with its rattle or its ring, waving it about or putting it into its mouth with endless repetition, but always without studious observation or strain of attention. I am afraid we often injure these small eyes and tender brains by requiring continuous repose of body and fixation of eye and attention on some one object, as is often done in the kindergarten and primary work, at the cost of ocular and nervous strain; and this, combined with bad light and general driving, may account for much of modern myopia, headache, and nervous troubles. We should advance in the education of muscle, eye, and brain from the general to the particular, and impose no task requiring precision or intense application upon young children. Nature is a good schoolmistress; and her lessons are fundamental ones, no matter how much we may supplement them at school or university. The infant is learning fundamental lessons in the correlation of muscle, brain, and sense through the almost incessant activity of his arms and legs, at first without purpose, afterward in



reaching, grasping, or trying to move about, and also when he smiles back at his mother or is quieted by her voice. So is the child, repeating nursery rhymes or busy with its quiet play or romping games; or the youth with his carpenters' tools, or riding, swimming, or hunting,—and learning just as truly, and perhaps more truly, than the student burning midnight oil over Greek and calculus. Nature is never systematic in the school sense; and, however much we may systematize, we must at the same time cultivate our powers and round out our individuality by keeping in touch with so much of Nature and man as lies within our horizon, in a restful, informal way. If a man is to develop into something more than a machine or formula, he should be encouraged from childhood to bring all his powers into relation with his environment and to seek a wide range of adjustments between himself and the outer world, beyond the treadmill round of special or formal pursuits which necessarily occupy much of his attention. Many fail to appreciate the importance of this indispensable natural culture, and endeavor to supplant the spontaneous by the formal. I know of a little girl whose interest in flowers was destroyed by an attempt to teach her technical botany at too early an age, forgetting that it means more to love flowers than to know botany. In another case, the attempt was made to substitute history for a boy's ordinary reading, with the result of spoiling the boy. On reaching manhood, his favorite author was E. P. Roe.

Correct mental reactions must be based upon correct physical reactions, which are naturally evoked by a free, open-air life. As Lowell puts it: "The driving-wheels of all-powerful Nature are in the back of the head. . . . But it is ill with a nation when the cerebrum sucks the cerebellum dry, for it cannot live by intellect alone. The broad foreheads always carry the day at last, but only when they are based on or buttressed with massive hindheads. . . . Moreover, brain is always to be bought; but passion never comes to market."

The city boy's supplemental training at school is far from perfect, but his fundamental, unstudied training by contact with Nature in the free use of his proper activities is woefully deficient. If restricted to the city, he can hardly become familiar with any natural objects but a few animals, building materials, and food-stuffs. His notion of such fundamental objects as the sky or horizon must be extremely hazy. His relations with people, or at least with certain individuals, are likely to be too close. He cannot

escape from them, and is overstimulated or overpowered. This leads me to speak of family life as we observe it,—perhaps the most important factor of all in the child's development, physical as well as mental and moral.

It is sometimes claimed that women are not so good housekeepers and home-makers as formerly; and, if this be true, it is not altogether their fault. It is not to be denied that the number of families in New York, for instance, is far in excess of the number of homes. The tendency with us is for the mistress of the house to participate less and less in the details of household management, and much of the work is left to hirelings inside and outside of the premises. The desire to diminish some of the difficulties of city housekeeping has caused the wholesale introduction of flats, which are, as a rule, cramped and poorly lighted, and, to say the least, ill adapted for the rearing of children. Rooms in suites have made it possible to dispense with the kitchen and its autocrat, and the disintegration of the home is complete in boarding-houses and hotels. The promiscuity of the tenement is equally unfavorable to a home atmosphere and home employments. The modest requirement of a small, plain house, with light and air on all sides, is beyond the reach of the millionaire. Unless we stop to think, we are apt to forget how high a price we pay for the privilege of such laborious striving and cramped living.

So much has been said about the frivolity, incompetence, or fussiness of American mothers that it will not be amiss to inquire into the characteristics of our fathers of families. With the best intentions in the world, the time that a city man can spend with his family is usually very limited; and he is not always in the mood to exert a helpful influence, when he returns at night worn out with business cares, and often prefers the club, lodge, or neighboring corner to his family circle. His wife may see little of him, and his children less. It is not a matter of indifference, however, even in regard to health, whether the children enjoy a due proportion of their father's companionship; for that is or should be a vital factor in the children's growth and education, and, whenever they are deprived of it, certain elements of character and mind are almost always absent. Look around among your friends where the children have grown up without a father, and see if your observation does not show that there is some quality of mind or heart, some check or balance wanting, that no one else could supply. I observe that American fathers, whether from the exactions of business or other

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easons, do not ordinarily come to my office with their ailing children. The whole matter is often left in the hands of the wife or some relative. Germans are more apt to come than Americans, and Hebrews most of all; and, indeed, I cannot refrain from expressing my admiration of the domestic life of the better class of Jews in New York, which, so far as I have observed it, is in many respects more nearly what it should be than that of any class in our community.

Body and mind grow together. What affects the one must affect the other, so that, if the influence of either parent is withdrawn, the due proportion or balance is lost, and certain physical as well as mental peculiarities in the children are dwarfed or accentuated. The home atmosphere often determines the mental and moral, and consequently the physical tone, of the children. I claim distinctly that an atmosphere of frivolity, indolence, self-consciousness, fussiness, discontent, sentimentality, or meanness cannot be without serious effects, not only on the character, but on the physique. Selfishness in any form is not only unattractive, but it is unwholesome. = It is a depressant to the system. *Per contra*, high and well-rounded living not only makes sound thinking, but it abbreviates doctors' bills. It is a truism to say that no one has so much to do with the child's acquisition of a healthy moral and physical tone as his parents. But few realize how tremendous a factor in the evolution of the individual we touch at this point. We need the mother's influence and the father's influence in the family, and also the influence of the children on each other. First children, last children, only children, children of small and large families, all have their special attributes and defects. The child is receiving and adjusting, every instant, impressions that will positively determine not only his future career, but his bodily structure. Parents and care-takers must see that these impressions are useful and true.

The means in the control of the physician are as nothing compared to home influences and conditions in shaping a healthy mind and body. The reactions most frequently evoked will be the dominating ones. As Bacon puts it, "Therefore since Custome is the principle Magistrate of a Man's life, let Man by all Means endeavour to obtain good Customes. Certainly Custome is most perfect when it beginneth in Young Years. This we call Education; which is in effect but an early Custome." Or as another says: "In the conduct of life, habits count for more than maxims, because

habit is a living maxim, become flesh and instinct. To reform one's maxims is nothing: it is but to change the title of the book. To learn new habits is everything, for it is to reach the substance of life. Life is but a tissue of habits" (Amiel's Journal, page 7). All of which applies cogently to the physical as to the mental. "Nothing has ever been invented to take the place of a 'bringing up.'" The home has been compared to the ship-yard, where the vessel's construction is slowly and painstakingly elaborated step by step, so that the structure be able to outride the strains and disintegrating tendencies that are sure to attack it later, just as the growing human organism is built up, under fostering influences, by the gradual incorporation of helpful habits and useful physical reactions. Self-control and transparent honesty in the parent are as essential as obedience and self-reliance in the child. "He that will have a cake of the wheat must tarry for the grinding." The child does not exist who can grow up natural or healthy without a fair share of wholesome neglect and judicious exposure. Few realize the tremendous risk of over-caution and over-attention. A youngster is invariably happier with few and simple playthings than with a multitude of complicated toys. There is no such good fun or good training as making one's self useful, and it is cruelty to deprive the child of this pleasure and stimulus. Let the brain and body be trained through hand, foot, and eye. Dump a load of sand into the back yard, and let the children roll in it. Give the boys a carpenter's bench; encourage the girls to do housework.

Where possible, let both boy and girl have a little garden patch, if only a few feet square, and the care of a few plants. A woman in her home, a man in his garden,—this seems to be a fundamental type from which we cannot entirely depart without risk to body and mind. The training of the muscular reflexes should go hand in hand with the cultivation of simple, natural, beneficent reactions in the higher planes. Cheerfulness, sincerity, industry, perseverance, and unselfishness may be acquired by practice and constant repetition, as much as the art of correct speaking or of playing the piano, and are far more necessary to health. We must have a basis of correct fundamental physical and psychical reactions as a help toward a proper balance between feeling and will, or our subsequent building will rest on a foundation of sand. How often is a physician hampered in his efforts to help some sufferer, because the latter has never acquired the art of obedience, or because he cannot tolerate a tongue-depresser, or swallow a pill or any un-

palatable mixture, or take milk or some mainstay of diet ; or because he cannot be left alone, or sleep in the daytime, or wear flannels, or sit still, or bear pain, or use his muscles, or take in certain classes of facts or ideas ! These and similar peculiarities, which are a formidable hindrance to the physician, and may be a matter of life or death to the sufferer, can usually be prevented by a little care or overcome by proper training. They are often the result of carelessness or over-indulgence, or that kind of cowardice which instinctively avoids the disagreeable instead of facing a difficulty fairly and conquering it.

Another way in which children are injured is by being used as playthings for the amusement of relatives and friends. There is the temptation, well-nigh irresistible, to show them off, if they are bright, or later to push them along in school or society, sacrificing wholesome symmetry to immediate showy effect. This tendency has largely moulded our private schools, for girls especially, whose basis is too often sentimentality of some sort ; and sentimentality is a form of narrowness, an incapacity for seeing things in their true proportions.

There is one characteristic of our metropolitan life so salient that it can hardly fail to make itself felt, even in childhood. I mean the mad chase after the dollar, the cause of much of the killing tension of city life. It is curious to note that the nation that is conspicuous by the absence of this spirit—I mean the Japanese—has probably the best behaved children in the world, and is the land of happy childhood. A crying baby is to them a curiosity. This straining of powers till they crack, this incessant fiddling at the nerves, is apt to make our city life restless, asymmetrical, and unsatisfactory. The children feel it and show it in their faces, in the sensitive structure of their bodies, and in the affections and diseases to which they are subject. And this nervous tension, as much as our tropical summer climate, has necessitated that periodical return to Nature, or summer outing, which is a national habit, and is the one efficient means, if properly used, of combating the disintegrating tendencies of city life.

The children of the poor, in spite of many drawbacks, fare better in some respects than those of the well-to-do. They often respond better to treatment when they are sick. They are at least not deprived of that contact with their fellows and struggle for existence which is absolutely essential to health : whereas the children of the so-called higher classes are too often educated in sen-

sitiveness, and false and hurtful views of life, not always by precept or example, but by force of circumstances. A colleague, who is intimately acquainted with the physical condition of some eight thousand children, taken from the worst classes in New York, who have in the course of several years passed through a public institution under his care, says that they improve so much after having enjoyed for a few months the ample diet and simple and regular life provided that their physical condition compares favorably with that of any class of children in New York.

Much of what has been said applies to certain classes in certain restricted localities, and it may be thought that the picture is an exaggerated one ; but I maintain that the physique of the children that are now growing up under our eyes is not, on the whole, satisfactory, and that it is a difficult matter to bring up wholesome, hearty children in New York, for example. If this is true, it is well to recognize the fact. The average conditions, both within and without the family, seem restricted and unnatural. Fortunately, there is a large amount of sturdy stock throughout the land, brought up to individual independence in contact with Nature, and in wholesome home surroundings, upon which we can draw indefinitely.

It is true that the advantages are not all on the side of country life ; that the struggle with Nature may be strenuous, and the living narrow and poor ; and that, on the other hand, the conditions of city life may bring a better diet and a better knowledge of personal hygiene. Indeed, it is claimed that during our Civil War certain city regiments stood campaigning better than the men from the country, possibly because they better understood how to take care of themselves. All this does not militate against my position that the conditions of country life are, or may be made, more favorable for children.

Just because life in our large centres puts such pressure on men and women do we get such remarkable effects in certain directions. Much of the world's best work is the direct result, but it is usually the effect, of such stimulation on broad and healthy natures developed partly or wholly in the country ; and ultimately, unless there are considerable interruptions, the individual or the family is stamped out, as in every individual or family which pursues a too restricted, too artificial, or too one-sided career.



*Papers of the Social Economy  
Department.*

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THE SWEATING SYSTEM  
IN EUROPE AND AMERICA.





## 1. SWEATING IN GERMANY.

BY REV. J. G. BROOKS, OF CAMBRIDGE, MASS.

The long public discussion of Sweating in England, which preceded and followed the Report of the House of Lords Committee, makes possible, at least, some intelligible statement of the evils, real and imaginary, which the public has long connected with sweating. No one had previously given even a manageable definition of the word. The testimony elicited by this report gives us twenty-three definitions. Eighteen of them have nothing whatever in common. Of the remaining five, it will be found a very formidable task to get into them or out of them any unity of meaning. The actual history of the word is helpful. Like *Sans-culotte*, "Democrat," "Puritan," "Mugwump," it was a term of reproach coined by the enemy. Its first use seems to have been against those tailors who took home their work instead of doing it at the shop, presumably using wife and child, and also working overtime. Though the word later was applied to innumerable other trades and conditions, it is significant that the tailors' trade has longest borne and still bears the chief stigma. The reason is doubtless that this craft in England and America more easily than most others lends itself to a pitiless use of human weakness. Jewish immigration of the lower orders furnishes a vast percentage of those whose necessities can be instantly exploited. Usury is hardly more connected with Jewish traditions than the traffic in and patching of "ole clo'." Miss Potter, in her careful study of the London tailoring trade, seems to be dealing almost exclusively with Jews.

The fact also that the labor supply of sewing capacity of a simpler sort is, perhaps, larger than that of any other form of lower, unskilled labor, gives us the precise conditions which make possible many and very real evils,—evils, too, for which it is despairingly difficult to fix the responsibility. I know of no serious study of sweating that denies the fact of the evil. I know of none that has, except in the vaguest way, told us just who—even what class—is at fault. Formerly it was confidently claimed that the "sub-contractor" was the man. We now believe that the "sub-

contractor" cannot possibly be made to bear exclusively any such burden. Many of the worst evils exist wholly independent of such a functionary. The ills are covered even less by the term "middleman," while "capitalist" is least of all applicable. The largest shops in every country present, *upon the whole*, the least cruelty to the weaker workers.

Some such general word is necessary to any clear discussion of this evil in Germany. It even helps us that the word "sweating" does not exist either in French or German; but both use, what I conceive to be much fitter for the fact, a generic term like *Ausbeutung*, or exploiter. The statistician, Mr. Charles Booth, in as careful a study as has yet been made, admitted the evil with utmost emphasis; but he easily raised havoc with those who had fixed the responsibility so narrowly upon certain persons or classes.

When asked to prepare this paper, I wrote to the man whom I believe to be the best equipped in Germany to answer it. He replied, "We have no sweating." Yet among trained economists there is no bitterer critic against capitalist production in its effects upon the skillless and ignorant workers. His error, from the older English standpoint, was manifest. He knew merely of the narrower question, as it existed in the popular mind in England. A German acquainted with the facts would quickly enough acknowledge the various evils which we shall probably more and more learn cannot be classed in any such concrete form as the word "sweating," unless we allow it to connote a whole series of evils that cannot conceivably be fixed to any one function of our industry, or even to any one set of conditions. At the time and place where there is relatively too much ignorant and skillless labor it will almost certainly be taken advantage of. Especially if there is a large number of small employers driven perhaps harder than their laborers by competition, *there* the fatal result will follow that the harder, the meaner, and especially the stupider employer will overwork his helpers. Wherever these conditions exist or in whatever trade, there the thing we call "sweating" is likely to appear. Thus it is chiefly because of the traditional limitations of the word "sweating" that *Ausbeutung*, or exploiter, seems truer to the fact. The entire labor legislation in Germany recognizes no special form of hardship, but a general condition as wide as the laborer's ignorance and weakness. It applies to the sailor as much as to the seamstress, to grown men as well as to children or pregnant women. The economists, the jurists, the State officials, and

multitudes of large business men willingly admit that, in the industrial struggle, the weaker worker is not only hard pushed, but unfairly pushed; yet of far more significance is the admission that this inequality in the struggle cannot longer be left to take care of itself, but must be dealt with by every organized force that society has at its control. The idea that private effort alone is adequate is quite at an end. The real problem now is to know how the State, the commune, and private effort can be combined so as best to cope with the difficulties. The only practical question as between these three functions is one of expediency. Clearly and distinctly it is granted that each has its part to play in making the conditions of industrial life fairer for the weaker. Every assumption on which the vast scheme of compulsory State insurance rests is that this inequality may in part be removed.

The whole body of laws concerning Sunday labor, factory inspection, night work, sanitary conditions, child labor, etc., is the most elaborate and the most aggressive attempt that any people has made to prevent the possibility of "sweating" in its proper sense.

Let it be repeated: this whole legislation assumes, first, that the less favored, the stupid, ignorant, and unfortunate are *Ausgebeutet*, — *sponged*, or "sweated"; and, second, that it is possible for those who have power and influence to do something about it. I pass here no judgment upon this attempt, favorable or otherwise, but only state the commonplace fact of the situation.

What special forms of sweating, akin to the evil as known in England or America, may be said to exist in Germany? The answer takes us at once to the origin of the word itself; namely, to *house industry*.\* In no country is industry in the home more widely spread than in Germany, though these industries are not in the least confined to tailoring. A large variety of trades are carried on either wholly or in part in the home. The rapid spread of the small motor is making a still wider use of the home, even for

\*The fact that Germany alone has any adequate statistics for measuring the extent of "House Industry" is of special value in considering the subject of "sweating." It is known with considerable accuracy that above five hundred thousand men and women carry on work in the home. This represents nearly 11 per cent. The geographical distribution is also known. The large cities show a percentage from Düsseldorf, 45.1 per cent., Berlin, 29.6 per cent., Leipzig, 18.1, to Dresden, which has only the average percentage of the empire. Shoemaking, tailoring, match boxes, needlework of all kinds, nail-making, — indeed, the very objects we find in England; and, for the same reason, opinions differ radically as to the advantages of this kind of industry. The greater freedom of the home, the protection of the family, and the decreased moral dangers are strongly emphasized by those who see a wider and more hopeful future in the extension of the small motor. Both friend and foe agree, however, that the evils of the present conditions are serious and real.

industries—like different forms of weaving—that had shown so powerful a tendency to concentrate in large factories. As with French towns, the German cities, like Chemnitz, are surrounded by small home centres in which these motors are used. A large manufacturer in Chemnitz told me recently, “My real enemy is the home industry with the small motor.” Here was a man with a large business struggling with home industries, and being himself sweated, so that it was a question whether he should continue his business. Authorities like Dr. Albrecht believe the real solution of many of the gravest problems is precisely in this extension of the small motor and the consequent preservation of the family under healthier conditions. Mr. Atkinson in America holds this opinion. Yet, whatever hope there may be in this distributing of force and the consequent lessening of the power of the great city, the fact remains in Germany that all the evils of sweating exist in this house industry,—not primarily because it is in the home, but because the different forms of protective legislation have not yet reached the home. The larger centres are carefully visited by State Inspectors armed with adequate powers; but to visit the house industries of Germany would require four times the present force. Therefore, unwholesome conditions, child labor, long hours, Sunday work, and every conceivable evil that we connect with sweating is at least possible in the home. It is now a bitter complaint of many larger employers that the “little ones” can escape the burdens and expenses which a severe factory inspection imposes upon the larger manufacturers. The very fact that business is being scattered, wherever the small motor can be advantageously used, shows how difficult any adequate inspection will prove; and yet the express purpose of this legislation is to cover the small centres as well as the large. So far as sweating has a cure, no other measures seem possible from the side of the State. From the side of private endeavor, very interesting efforts are being made from several sources. The Church, both Catholic and Protestant, is entering upon a definite and organized scheme of work for the *Arbeiter* class. A union of private and communal effort is producing exceedingly interesting results in fourteen German cities, in establishing Bureaus of Information that are proving of great usefulness, not only to those out of work, but also to those whose conditions of work are unbearable. The leagues against Sunday labor are gaining a real influence. Some two hundred and eighty trades-unions are uniting politically to press

for a shorter working day, while the movement for a minimum wage is gaining the support of very influential names. Restrictive legislation has made the growth of the trade-union very difficult; but since the removal of these laws their growth has been perhaps more rapid than in any other country except France. So far as the laborers in the "sweated industries" can be organized, it is admitted that hopeful resistance can be offered to the sweater. No event so marks the change of opinion in England as the Report of this conservative House of Lords Committee on Sweating. Almost the sole remedy was the advice to the laborers to organize into trade-unions.

It at least seems clear that the evils here considered are so unlike in nature and so various that such remedies as are possible will be neither single nor specific, but such as spring from a wide and general bettering of conditions. Granted that public opinion has become alive to the issues, increased and efficient inspection is admittedly the most definite remedy; but, unless the dull and skillless can be trained into some capacity for decent work, inspection can do little. Here Germany has this hope. It is not plagued as London and the American cities by emigration of the half-fit and wholly unfit worker. Germany, too, is rapidly increasing her technical and industrial training, so that it seems likely that with such education, together with her legislation, sweating will be reduced to unimportant measure. The laborer, and the public, too, have one lesson to learn. In the world-market some one or even several forms of industry may be passing away before newer and more productive methods. Twelve thousand laborers in and about Chemnitz suffered for years in this transition from one form of weaving to another. They believed themselves sweated by capital, and desperate attempts were made to preserve a form of labor that had had its day. At the present moment in Germany there are two industries that are fighting this same losing battle. The Baden Factory Inspector has just described the desperate condition of certain small mills known as *Kundenmühlen*, that are less and less able to compete with new and larger mills. There is much talk of *Ausbeutung*, or sweating; but it is only the old story of industrial progress through fitter mechanism. In 1848, when steam was applied to navigation above Cologne on the Rhine, a delegation of laborers waited upon the famous liberal, Robert Blum, who told them they were right in opposing this new tyranny of capital, — they were being sweated, indeed. No politician of the rank of

Blum would to-day dare to take such a position, the conditions of industrial progress are so much better understood. Just now in the Graftschaft Holstein house weaving is being destroyed by better methods, and nothing better marks the progress of industrial knowledge than the attitude of the more instructed socialists. When the cry of "sweating" was raised, the socialistic paper, *Centralblatt*, of Berlin, told them that form of industry had had its day, and must be given up.

It seems at last possible to know what forms of industry are passing away, and therefore to be discouraged. The new statistics and factory inspection will more and more make it practicable to distinguish between the hardship which goes with a decaying industry and sweating proper. It seems, moreover, only to be a question of time when the older workers, who cannot adapt themselves to new conditions and improved methods, will be cared for by some form of insurance. Serious proposals to this effect have been made both in England and Germany. Cases are not infrequent now in which it can be convincingly shown that a small percentage of older workers may be driven to the wall by a new mechanism from which society at large gets a distinct advantage in cheaper products. Some of the most pathetic cases of supposed sweating have been of this description. Even if such cases can be met, the mass of the weak and ignorant will finally remain. As long as they *are* weak, ignorant, and numerous, no hint has yet been given of any remedy save such as tends to educate them into some capacity for an industrial service that society wants. It is the express hope of the new social legislation of Germany, combined with an ever-widening variety of technical and industrial training, that such an end may be reached. Of this ideal it may at least be said that State, commune, and private self-help societies were never trying either so earnestly or so intelligently as at the present moment.

FREIBURG (BADEN), July, 1892.



## 2. THE "SWEATING SYSTEM" IN THE UNITED KINGDOM.—AUGUST, 1892.

BY DAVID F. SCHLOSS, M.A., S.C.L., OF LONDON.

[Read Friday, September 2, 1892.]

In compliance with a request received from the Secretary of the Social Economy Department of the American Social Science Association, I send a statement, based upon inquiries made for the purpose, with respect to the present position of the "sweating system" question in the United Kingdom.

In February, 1888, a Select Committee of the House of Lords was appointed to investigate certain industrial conditions known by the name of the "Sweating System." Evidence was given on 71 occasions by 291 witnesses, the trades covered by the inquiry including tailoring, boot-making, furriery, shirt-making, mantle-making, cabinet-making and upholstery, cutlery and hardware, chain and nail-making, military-accoutrements-making, and dock labor; and in April, 1890, the committee presented its final report.

The committee found itself unable to afford any information as to the precise nature of the industrial phenomenon which it spent so long a period in investigating. Lord Derby, by whom as chairman this report was presented, has explicitly declared, "We endeavored, on a committee in the House of Lords, for some years to ascertain what meaning attached to the word 'sweating'; and we never could find any" (*evidence before Labor Commission*, 18 June, 1891). As to the peculiar system of industry under which "sweating" is practised, the Lords notice the suggestion usually made, that the "sweating system" consists in getting work done by "sub-contractors" or "middlemen," in the following words: "It seems to us that the middleman is the consequence, not the cause, of the evil; the instrument, not the hand which gives motion to the instrument, which does the mischief. Moreover, the middleman is found to be absent in many cases in which the evils complained of abound." It might with truth have been added that, even if the



conception of the "sweating system" as identical with "sub-contract," were consistent with the facts, yet this conception can hardly possess much scientific value, since no one has yet been able to discover the correct definition of "sub-contract."\*

In regard to the evils comprised within the designation of "sweating," the committee reported these to be: "(1) a rate of wages inadequate to the necessities of the workers or disproportionate to the work done; (2) excessive hours of labor; (3) the insanitary state of the houses in which the work is carried on." Their Lordships found the existence of these evils fully proved. They add, however, that, "as a rule, the observations made with respect to sweating apply, in the main, to unskilled or only partially skilled workers, as the thoroughly skilled workers can always obtain adequate wages."

The remedies proposed by the committee for the cure of the evils of "sweating" fall into four main categories: (a) "the extension of co-operative societies"; (b) "well-considered combination among the workers"; (c) legislative interference in respect to the relations between employer and employed; and (d) the regulation by the government and by public authorities generally of the conditions under which the contractors engaged upon their work employ labor. To what extent these remedies have been applied, and with what degree of efficacy, will now be stated.

What the Lords meant by "co-operative societies" is not clear. There are a great many joint-stock associations of one kind or another carrying on business in the United Kingdom which claim to be "co-operative." But, if co-operation implies (as all economists agree in thinking) that the co-operative business belongs to and is managed by the persons employed in it, these "self-employed" workers sharing the profits, then there are certainly not more than a score of co-operative societies in the entire country.† The societies calling themselves "co-operative," as a rule, exhibit no trace of co-operative self-employment. These enterprises are not owned by the persons employed in them. These persons — the actual workers — are for the most part excluded from participating in the profits of, and are in many cases not even allowed to hold shares in, these undertakings. Some few of these un-co-operative

\* The question, "Is there a Sweating System?" is discussed in detail in "Methods of Industrial Remuneration," by the writer of this paper. G. P. Putnam's Sons, New York. Williams & Norgate, London, 1892.

† See the facts set forth in detail in "Methods of Industrial Remuneration," referred to in the preceding note.

"co-operative" associations have done something to improve the position of the operatives affected by the "sweating system." Supplying cheap clothes, boots, furniture, etc., to the working classes, and having formerly been accustomed to purchase these articles from wholesale manufacturers, who in many instances got them made up under the "sweating system," the associations now referred to have recently commenced to manufacture these articles in workshops of their own,—workshops in which the conditions of labor are generally excellent. The total quantity of articles manufactured by these societies is, however, quite insignificant when compared with the great mass of goods still made up under the "sweating system." Several attempts to put down the "sweating system" by so-called co-operation have been initiated by philanthropists who have undertaken the business of the "sub-contractor," promising to make the workers a present of the profits. Many of these concerns fail altogether; a few struggle on with the help of charity custom; some claim to pay rather more than the current rate of wages, but none of them earn any profits. Several of the philanthropists by whom these "co-operative" businesses have been carried on have declared, as the result of their experience, that the service rendered by the "sweater" as organizer are worth all that this "middleman," hard pressed as he usually is by competition, ever succeeds in earning. While the attempt to abolish the "sweating system" by charitable co-operation has met with scanty success, not more encouraging have been the results attained in those cases in which persons accustomed to work under the "sweating system" have, often with considerable guidance, mostly of a futile character, on the part of philanthropists, tried to put down the "sweating system" by co-operative production of a type more or less nearly conforming to the conception of co-operation entertained by the economists. The attempt to carry on co-operative production avoids failure seldom enough when made by workers high in the scale of skill and discipline. When this experiment has been made by the relatively low-grade operatives accustomed to work under the "sweating system," co-operation has only in very rare instances attained even the smallest measure of success.

The next on the list of remedies proposed by the Lords' Committee — trade-union combination — has been adopted by some of the workers whose case was brought before that body, notably by the dock laborers of London. Since their great strike in August,

1889,—a strike the success of which was due to the large pecuniary support received by the strikers from the public of all classes, both in the United Kingdom and in Australia,—the London dockers receive a rate of pay higher, as a rule, by about twenty per cent. than the rate formerly prevailing, and the irregularity of their employment has been not inconsiderably diminished. It is, however, proper to remark that the class of men now engaged in dock labor is superior to that which obtained employment in the anti-strike days. These men get more than the old dockers got; but, then, they also give more in exchange for their pay. As to the "casuals," so many of whom found precarious employment in the docks under the old conditions, this type of labor is rapidly being altogether eliminated, a very large proportion of the dockers now employed being engaged as more or less permanent workmen. It must be added that the various methods of employment which are called in relation to dock labor by the name of "the sweating system," although for a time abolished by the strike, have now in a great measure been revived, but are deprived of many of their most evil characteristics by the influence, still very powerful, of the Dockers' Union. Another instance of the success of trade-union combination is the victory gained by the men in the wholesale boot trade, who have succeeded, in London by a strike, in Leicester by negotiations, in compelling the manufacturers to have the greater part of their work done, no longer in outdoor workshops or in the homes of the workmen, but upon their own premises. By this vigorous action on the part of the English trade-unions the foreigners who formerly worked in London under "the sweating system" have thus been, for the most part, removed from the "sweating dens" into factories, where they receive better pay and work much shorter hours than formerly. But much labor-saving machinery is being introduced; the imports of cheap boots from the Continent have increased, while our exports of boots have fallen off; and there is great dearth of employment and much misery among the boot-makers formerly employed under "the sweating system." The tailors of foreign birth or extraction who work under "the sweating system" have come out on strike in both London and Manchester, but the concessions which they secured were retained only for a very brief period indeed. Their trade-union organization is absolutely ineffective; and their position to-day is, on the whole, in no material respect better than it was when their case was brought before the Select Committee. In the

chain and nail trades there have been several strikes, the revolt of the workers in the nail-making industry being aided by generous assistance contributed chiefly by workingmen in other trades; and the position of the workers exhibits a certain degree of improvement, but the industrial conditions complained of under the name of "the sweating system" are still widely prevalent. In the Sheffield hardware trades an improvement, due to more effective trade-union organization, has taken place in the position of the file-cutters; but the workers in the various branches of the cutlery trade brought to the notice of the Lords' Committee appear to be no better off now than formerly. With respect to the other classes of persons working under "the sweating system" whose position was investigated by the committee, such as the trousers-makers, shirt-makers, furriers, cabinet-makers, etc., it may be said generally that these people have taken no steps, or no effective steps, to combine against oppression.

With regard to the remedy of the evils incidental to "the sweating system" by legislative interference in respect to the relations between employers and employed, very little has been attempted. The principal modifications in the law effected since the Lords presented their report are those contained in the Factory and Workshop Act, 1891, and the Public Health (London) Act, 1891. By these statutes the duty of enforcing the maintenance of cleanliness, the provision of proper sanitary accommodation, and the avoidance of overcrowding in workshops (*i.e.*, places in which no motive power is used) as distinguished from factories (*i.e.*, places in which steam or other power is used, and certain large works, such as foundries, glass-works, etc.) (which was formerly cast upon the local sanitary authorities concurrently with the factory inspectors, and was usually performed by neither),\* is imposed primarily upon the local authorities. It is too soon to judge whether these authorities intend properly to fulfil this obligation. In East London, at any rate, little has as yet been done by the local authorities; and the overcrowding of the workers, in particular, is still a widely prevalent characteristic of the "sweating dens" which abound in that region. Although the factory inspectors have no longer joint control with the local authorities in these sanitary questions, they are to give notice to these authori-

\* In some few instances, notably in regard to the Bradley Heath chain-makers, a considerable improvement in the sanitary condition of the workshops has taken place since the Lords' Committee sat.

ties of all sanitary defects observed by them in workshops, and also of the opening of every new workshop; and, if the Home Secretary has reason to believe that the local authorities are not duly supervising the sanitation of workshops, he has power to direct the factory inspectors to take action. In London the County Council has power to act, if any local authority fail properly to carry out this supervision. Neither of these powers has as yet been exercised. So far as regards the regulation of the hours of labor, the factory inspectors retain full responsibility. In London the medical officer of each district is to give notice to the factory inspectors respecting every child, young person, or woman whom he finds to be employed in a workshop. If the sanitary inspectors working under these medical officers were to make an efficient visitation of the districts in which "the sweating system" is prevalent, and if the factory inspectors were to receive full particulars of the persons found employed in the workshops of the "sweating masters," as this law provides, then the work of these officers would be made easier. Whether this will happen remains to be seen. Another provision tending to facilitate the detection of overwork in the haunts of the "sweaters" is that which gives the Home Secretary power to compel every employer, whether "manufacturer" or "sub-contractor," to keep and submit to inspection, either by a factory inspector or a sanitary inspector, a list of all persons employed by him outside his factory or workshop, and of the places in which such persons work. This power has, by an Order coming into force on Aug. 15, 1892, been exercised in relation to the manufacture of articles of wearing apparel. But little, however, can be hoped from the action of the factory inspectors at present assigned to the districts in which the "sweating dens" abound; for their number is quite inadequate to carry out an efficient inspection of these innumerable scattered rooms, garrets, and cellars. The Lords' Committee recommended that women and girls should be prohibited by law from using a particular description of heavy sledge-hammer used in nail-making and from making chains above a certain size. But the legislature has confined itself to empowering the Factory Department in cases in which the Home Secretary is of opinion that physical danger or injury exists to make special rules dealing with the matter. So far as the nail and chain makers are concerned, the women and girls are, up to the date of writing, using the same heavy hammers and making the same thick chains as at the time

when the committee made its report; nor, it is believed, has the power last referred to yet been exercised in any instance.

The recommendation of the Select Committee, that public authorities should compel contractors doing work for them to get this work done under proper conditions, has been widely adopted. Already, before the committee's report was presented, the government had taken steps to insure that its clothing contractors should get the garments supplied for the army made up in factories belonging to themselves, no work being sent outdoors to be done, and had fixed a scale of wages to be paid by their harness, saddlery, and accoutrement contractors for certain classes of work previously very ill-paid, at the same time preventing these contractors from getting any work made up under "sub-contractors," unless expressly allowed to do this.

In February, 1891, the House of Commons passed a resolution recognizing "the duty of the government in all government contracts to make provision against the evils recently disclosed before the Sweating Committee, to insert such conditions as may prevent the abuse arising from subletting, and to make every effort to secure the payment of such wages as are generally accepted as current in each trade for competent workmen." This resolution has been, on the whole, well carried out by the government, which in some cases altogether forbids "sub-contract," in others forbids "sub-contract" except where customary in the trade, and in the remainder forbids "sub-contract" except with the express consent of the department concerned, and in all cases insists that all persons employed shall receive current rates of wages. Many public bodies (including some of our most important municipalities) now require their contractors to pay full current wages (the rates recognized by the trade-unions being generally accepted as the standard), and forbid "sub-contract" except in cases in which it can be shown that "sub-contracting" is proper and will not lead to the oppression of the employees. That by means of the restrictions imposed upon contractors by the State and other public authorities the earnings of a considerable number of workers, including some of those accustomed to work under the "sweating system," have been improved, is certain. It would, however, be incorrect to allege that these restrictions have effected any very marked or wide-spread improvement in respect to the evil industrial conditions investigated by the Lords' Committee.

To sum up. The position of the work people employed under

"the sweating system" is, save in a comparatively small number of instances, no better to-day than it was, when, more than two years ago, the Select Committee upon "the Sweating System" made its final report.

NOTE.

In my paper for American Social Science Association I mentioned that the chain and nail makers had slightly improved their position. Last week the chain-makers, after an unsuccessful strike, were forced to submit to a reduction in wages.

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London, S.W.

AUG. 23, 1892.

### 3. CONDITIONS OF THE LABOR OF WOMEN AND CHILDREN.

OBSERVED BY A DISPENSARY PHYSICIAN OF NEW YORK,  
IN 1892.

BY ANNA S. DANIEL, M.D., OUTDOOR PHYSICIAN TO THE NEW  
YORK INFIRMARY FOR WOMEN AND CHILDREN.

[Read Friday, Sept. 2, 1892.]

Permit me to call your attention to a class of tenement-house workers who are never visited by the factory inspector; whose hours are limited only by their physical strength and the amount of work they can obtain; who pay for the rent, light, and heating of their work-shop; who eat, sleep, are sick, and die in the same rooms in which they manufacture goods in whole or in part,—these to be sold in Broadway shops, as well as other shops in and out of New York City. Here child labor includes all the children in the family from three (3) years to fourteen (14) years of age,—their hours of labor, like their mothers', limited only by the amount of work on hand and their physical strength; children who stop their work only for a drink of black coffee and to eat a piece of bread, or to quiet a crying baby, or to carry the heavy bundles of work to and from the shop; children who have no childhood, whom the law makes no effort to protect, who live only to work, along with women whose only object in life is to earn money enough to pay the rent, and keep themselves and children from starving.

Where do these people live? On the great East Side, in buildings containing from sixteen to twenty-four families, four families on a floor. In the older tenements the apartments in front and rear communicate by a door. The walls are thin, permitting very ordinary conversation to be heard by the next-door neighbor.

The front room, with two windows or one large one, opens into the dirty, noisy street or into the still dirtier yard; the bed-room large enough to contain a bed and to permit of passing between the bed and the wall, and a small window opening into the hall. The cooking, washing, ironing, all the domestic processes are carried on in the front room, which is also used as a sitting, dining, and work room all day long and far into the night. When sickness



comes,—of whatever nature,—the patient is moved into this one room to get well or die. There is a common hall for all; dirty, usually dark, and containing the sink for the four families. Into this sink all manner of refuse is thrown. A dirty yard contains the closets, flushed once in twenty-four hours.

• Built in a court-yard between the front house and the house in the opposite street, are found the rear houses,—to enter which you pass through the hall of the front house or a narrow alley between two houses. These houses contain usually only two families on each floor, and resemble closely the front houses. The newer tenement houses are built upon one of two plans,—either with a spiral staircase or with the stairs in the centre of the building. These tenements are built in the flimsiest manner, with a gaudy exterior, and accommodate either two (2) or four (4) families on each floor, the front and back apartments not connecting. An air-shaft is built upon both sides of the house, when intended for four families on a floor. In the halls are two closets, one for every two families. The apartment usually consists of three rooms, all small. The front room is used for the living-room, and is also the workshop, or it may be “let out” to help pay the rent. Usually, this room contains two windows, opening either to the street or the yard. The second room, the kitchen, contains stationary tubs; and the window opens into the air-shaft, in common with all the other tenants’ kitchen windows. The bedroom, always small, contains a window opening into the common air-shaft, which extends either from the cellar or first floor to the roof. These air-shafts, into which all the odors from all the families pour, are not infrequently dangerous receivers of contagious disease. I have seen a woman take the clothes from a child desquamating from scarlet fever and shake them into the air-shaft. The basements are used as apartments.

From Dec. 1, 1891, to Aug. 1, 1892, as Outdoor visiting physician for the New York Infirmary for Women and Children, I have been called to one hundred and fifty-three families in each of which a woman earns the whole or a part of the family income, in rooms which are also occupied as family living-rooms. These families include only those women who work continually during the season, not occasional workers. I shall include in this list a class of home workers whose unhappy condition has been little studied. Their sufferings were forced upon my attention during the very hot weather of last July. Their occupation is quite as

much a menace to the public health as are the families who manufacture goods at home. I mean the women who do laundry work in their apartments. I found seventy-seven (77) women, representing five hundred and nine persons (509), manufacturing some article in whole or in part, and not for their own use,—the women at work in their living rooms; seventy-six (76) women, laundresses, representing three hundred and seventy-seven persons, their laundry work also being done in their living-rooms. I have included no women in my list except those who applied at the dispensary for medical attendance at home for some member of their family.

Among the seventy-seven (77) women manufacturing, in not one instance was the work interrupted because of the illness in the family. Seventeen (17) deaths suspended the work temporarily; but in one case the pantaloons finishers were not delayed one moment, from the time the little one fell into the tub of hot water, until three days later the little body was carried to Calvary Cemetery.

The seventy-seven women were engaged in finishing trousers, coats, and vests; were seamstresses,—including all women sewing on “white goods,” women making hair wigs, wire bonnet frames, neckties, artificial flowers, covering moulds with silk for dress trimmings; tobacco stripping and cigar-making.

Of the social condition of the women, seventeen (17) are widows, three (3) deserted by their husbands, one (1) is a single woman, fifty-six (56) are married women. Among the married women, nine (9) support the entire family, including their husbands. Of these nine husbands, four are habitual drunkards, one is ill, unable to work, four are simply lazy and will not work.

Ten women assist grown children in supporting the family. Fourteen women work at the same trade with their husbands or grown children. Of these fourteen women, twelve are tailoresses and two tobacco workers.

Of the husbands of thirty-three (33) who do not work at home, but one is a skilled workman, and he a painter. Two are Hebrew teachers, their school-rooms and their wives' work-rooms the same. The remainder are laborers, pedlers, bootblacks, and other poorly paid labor.

Thirty-eight women are engaged in tailoring, usually as “finishers.” The maximum amount of wages earned per week is \$10. Four women only are able to earn this amount. The average weekly wages of the finishers is \$4.53.

The second largest number of women are engaged as seamstresses. Of these, we have twenty-nine (29). They include shirt makers and finishers, those making boys' shirt-waists (entire). Undergarments for men and women, and babies' white muslin dresses. The maximum weekly wage is earned by one woman, and is \$10. The average weekly wage is \$3.75. One woman cuts button-holes, made by machines, in boys' "knee-pants," and receives two cents per hundred buttonholes. She adds fifty cents to the family income daily. Another cuts embroidery at the rate of twenty-five cents per hundred yards. Another woman makes hair wigs, and earns \$8 per week. Her husband, a pedler, has been known to earn \$3 per week. A woman with two little children to support, and deserted by her husband, makes men's neckties at forty-five cents per dozen, furnishing her own thread,—this for a Broadway shop. The largest amount that she ever earned in one week was \$5. She sends her children to a day nursery, and works incessantly.

Two women (not together) make artificial flowers, and average \$4 per week. A woman, who has heart disease, and her two daughters, make wire bonnet-frames, and together earn \$10 per week; while another woman, whose husband has consumption, covers wooden moulds with silk for dress trimmings at four cents per gross. She is assisted by her three children, eleven (11), seven (7), and three (3) years old. The family earn an average of \$6 per week, the mother estimating that the three children earn two-thirds ( $\frac{2}{3}$ ) of the family income; and this she tells with much pride, and assures me that the baby of three years works the whole afternoon without being tired.

Of the tobacco workers, one "strips" for her son, and cannot estimate the amount of wages she earns. The other woman, who makes cigars, earns a maximum amount of \$7 per week.

The maximum total income from all sources of the families of the seventy-seven women is \$746 per week, and this to support five hundred and nine people.

The total amount of rent paid is \$736.25 per month. This is paid by seventy-six women. (One woman is housekeeper for the tenement house in which she lives, and for her services receives her rent free.) The largest amount of rent paid by one family is \$18 for six rooms. The smallest amount is \$3.50. The average rent is \$9.68.

The sanitary conditions under which these people live—the

tenement house and the individual apartment — I have classed as good, moderately good, and bad. A good tenement house is one that is clean, well lighted and ventilated, halls light, the plumbing in good order, sinks and closets free from odors, the house in good repair; moderately good, in which the plumbing is more or less out of order, neither good ventilation nor light, but the house otherwise in good repair and clean. The conditions are bad when the house is out of repair, ventilation not good, halls dark, too closely crowded against neighboring houses; house dirty; that is, the halls, stairs, and yards. Of the first good class we found one solitary example. This, a corner house, very nearly approached a model tenement. Of the second class we found twenty-eight; of the third class, forty-eight.

-The sanitary condition of the tenement house is directly due to the owner, under the supervision of the Board of Health.- Hence, instead of finding one family living in a tenement house in good sanitary condition, we should have found seventy-seven.

The same classification can be made of the sanitary condition of the individual apartments. Good apartments consist of rooms well lighted and ventilated, with no odor from sinks, clean, not overcrowded. Moderately good are where the plumbing and ventilation are good, the rooms clean, but overcrowded, and not well lighted. Bad are overcrowded, dirty, dark rooms, with plumbing out of order, ventilation and light bad.

-The dirt and overcrowding of the apartments are directly traceable to the tenants; the plumbing, lighting, and ventilation, to the landlord and Health Board.- In justice to these people whom we are discussing, it must be remembered that our observations were all made during the illness of one or more members of the family; and the cleanliness of the apartments might have been different, had there been no sickness present. This fact, however, does not affect the condition of the plumbing, lighting, or ventilation of the apartments. The overcrowding is partly the fault of the owner and partly of the Health Board.

One family was found living in good sanitary apartments. Twenty-seven families live in moderately good apartments, forty-nine families in bad apartments. Fifty-eight families live in front houses, nineteen in rear houses. The total number of rooms occupied by the seventy-seven families is two hundred and twelve; the total number of light rooms, one hundred and sixty-eight; total number of persons, five hundred and nine. The number of

rooms comprising an apartment and occupied by one family is as follows: four families each live in one room; thirty-two, each in two rooms; twenty-four, each in three rooms; fourteen, each in four rooms; two, each in five rooms; one, in six rooms.

A well-known custom among the tenement-house people is the habit of taking boarders or lodgers. The average price paid by the latter is \$1.50 per month, the boarders paying from \$3 to \$12 per month,—the latter an unusual price. No discrimination is made in regard to sex,—a woman taking as many persons as will come to her. At the time of our visits, thirty-seven families accommodated a total number of ninety strangers. The largest number found in one family at one time was fifteen,—the family proper numbering seven. This total number of people, twenty-two, live in three rooms, one of which is light. The apartment contains one double and one single bed. Each person pays \$1.50 per month. There is one married couple: the others are single young men and women. Fifteen families have each one boarder; five, each three boarders; nine, each two boarders; one has five boarders; one, four boarders; two, each nine boarders; one, fifteen boarders. Except among the Italians and three Jewish families, the boarders or lodgers go out of the house to work.

The most important question in the study of tenement-house labor is the part the children under fourteen years of age take in the manufacturing. For obvious reasons, the exact number of children working, and the amount of work they accomplish will never be positively known. Whenever children are members of families manufacturing, they invariably assist either directly or indirectly. Indirectly, they do the housework, take almost the entire care of the younger children, or carry the heavy bundles of clothing to and from the factories. Thus a child of nine years does all the housework for a family of five persons, including the washing and ironing, that the mother may devote her entire time to her sewing. Another girl of six years carries three or four dozen vests at one time up five flights of stairs, and the mother cannot understand why the child is not well.

We found, among our seventy-seven families, four children between fourteen and sixteen years of age assisting their mothers at home; between ten and fourteen years of age, thirty-one children; between three and ten years of age, twenty-three children. One only was three years of age. Twenty-four between fourteen and eighteen years of age work in factories during the day; and

we know that a large number of these people assist in the manufacturing in the family, in the evening, after their day's work.

These twenty-four persons earn a total maximum per week of \$80.50, distributed as follows: eight earn one-half the income of the family; six, one-third; one, two-thirds; nine, one-fourth.

The precise amount of money the children at home earn is almost impossible to estimate. The mothers are all very positive that the assistance of the little ones is a decided financial help. Ten children, the mothers knew, added \$19.50 to the family fund. Three of this number are between ten and fourteen years of age; seven, between three and ten years of age. Of these ten children, one child earns one-sixth of the income; two children earn two-thirds; three children in one family earn two-thirds; one child earns one-half the income; three children earn one-fourth. The difficulty of estimating this point is illustrated in the case of a widow with three children, aged six, eight, and twelve years. The mother manufactures babies' lawn dresses complete. The mother makes the buttonholes and does the fine work. The girl of twelve runs the sewing-machine, stitching the seams and tucking. The girl of eight years cuts the embroidery, does some basting, and sews the buttons. The mother estimates that the two girls earn one-half the total income. I have known the family several years, and I think that her estimate is correct. The girl of twelve years has been working with her mother six years; the child of eight, four years. I asked the mother what the child of six years did,—at the time he was ill with the measles. "Oh, you know he's a half idiot, and can do nothing." Evidently, the fact that he was too young to work never occurred to her. The children between four and ten years of age usually sew the buttons on, fell long seams, and do the coarse sewing; and this they did without a murmur, sitting most of the day and into the night. At last, when nature will bear no more, the child is brought to the dispensary for medicine, and the mothers are amazed to learn that the children only need more fresh air, less work, less tea and coffee, and more sleep. And they actually tell us that they cannot spare the child's labor, and must have medicine.

The nationality of the seventy-seven women is divided among twenty-five Germans, ten Irish, ten Italians, twenty-four Russian Poles, one Cuban, one Roumanian, one English woman, five born in the United States.

Among these people medical attendance was called for twenty

women, twenty-three children between five and fifteen years, twenty-seven children between one and five years, and seven children under one year. All children under five years of age are brought to the dispensary, if not too ill.

The contagious diseases attended were: measles, twenty children; scarlet fever, seven children; typhoid fever, three children; spotted fever, one child; erysipelas, two women; consumption, four women.

These patients were not at all isolated. The clothing manufactured was laid upon the lounge or bed with the patients: none of it was fumigated. We have repeatedly tried to trace clothing manufactured, to ascertain, if possible, whether any person contracted the disease from clothing manufactured in these rooms, but have no absolutely proven instance. Most of these people manufacture for middle-men, these men have only a small shop, the goods being sent at once to the owner. The people are densely ignorant, often not knowing for whom they work. "John" or "Caroline," in Orchard or some other street, gives them the work. The children go after the work, and return it when completed. The little blank books furnished by the employer usually contain no address,—just why I have never been able to find out. However, we sometimes find fashionable clothing-stores having their work done in tenement houses. The work is rarely custom work. ✓

Our seventy-seven families all received free medical attendance. Twenty-four families are known to receive constant outside charity.

I wish briefly to call your attention to the laundresses. I add them, as their occupation is a constant menace to the public health. Soiled linen is carried through the streets, in the horse-cars, in baskets and bundles. I have been able to trace contagious disease from families in which children are ill to the children of the laundresses, through the soiled linen. A recent illustration, within the past year: A laundress washed the clothes for a child sick with scarlet fever. Her two children contracted the disease, one of whom nearly lost her life. The children in three other families in the house contracted the disease from the laundress's children. Although the woman continued at her work, so far as I could ascertain, she did not carry the disease to any of her customers. Clothing, after being washed and before it is ironed, is laid on the bed or lounge with the child sick with a contagious disease; or a towel belonging to some other family is handed to

the physician to use as a chest cloth, thus becoming a vehicle for contagion.

Laundry work in a tenement house means a constant fire, making the rooms unbearably hot in summer. In the winter, the constant opening of the window during the time the clothes are being hung on the line, creates constant draughts of cold air in the room. The steam fills the little rooms; the tubs occupy a large part of the room; often the water must be pumped the night before or very early in the morning; often the clothes are hung on the roof, and must be carried up one or more flights of stairs. Their hours are limited only by the amount of work they can obtain; their wages are from thirty cents to one dollar per dozen pieces.

My seventy-six laundresses represent three hundred and seventy-seven persons. Twenty-five women support the family, twenty-two women assist husbands and children, twenty-five women assist children only, four women assist mothers or sisters. The necessity for supporting the entire family by the married women is, in one case, because the husband is old and sick; eight cases, the husband is sick and cannot work; three cases, the husband is on strike. As I have never known these three men to work, striking seems to be a chronic disability. Thirteen men are unable to find a "job": my belief is that they never will. Among these twenty-five husbands there is not one skilled workman. There are thirty-seven married women, twenty-one widows, two single women, and sixteen deserted women.

The total amount of the family income is six hundred and two dollars and fifty cents (\$602.50). The maximum total income for one family is twenty dollars (\$20); the minimum, two dollars and fifty cents (\$2.50). The total amount of rent paid by the laundresses is five hundred and fifty-eight dollars and seventy-five cents (\$558.75) per month. This is paid by seventy-four women. Two women, in return for their care of the tenements in which they live, receive their rent free. The average amount of rent paid is \$7.55.

The same classification of the sanitary condition of the tenements and apartments occupied by the laundresses was made as in those of the manufacturers. We found two families in good tenements, thirty-three in moderately good, forty-one in bad tenements. Of the sanitary condition of the individual apartments, six were found good, twenty-nine moderately good, forty-one bad. We found forty-five families in front houses, twenty-five in rear houses, and



six in basements. The seventy-six laundresses occupy a total number of ninety-nine (99) light rooms, distributed as follows: sixty-two families each have one light room; twelve, two light rooms; four, three light rooms. One family has four light rooms.

One would hardly suppose that any person obliged to lodge or board in a family would select apartments occupied by laundresses. We found, however, twenty-seven (27) families who take either lodgers or boarders. Sixteen families have each one boarder; five, two boarders; six, three boarders; a total number of forty-four (44) strangers.

The nations represented by these women are: Germany, thirty-nine; Ireland, twenty-seven; Poland, one; Hungary, two; Russia, two; England, one; United States, four.

Among the seventy-six families there is a total number of twenty-eight persons known to me to be drunkards. Of this number, both man and wife, six families; man only, twenty-one families; woman, one family. Thirty families receive constant aid other than medical relief. That children of the laundress are more valuable bread-winners, out of the family workshop than in it, is shown by the fact that only four (4) children are constantly engaged in assisting their mothers at the tubs. These children rinse the clothes and hang them out, iron the coarser pieces, and assist in carrying the work home.

The children in the families are not idle. Twenty-seven (27) between ten and fourteen years old are at work either in shops or factories; and fifty between fourteen and eighteen years work in factories.

The total amount of money earned by the children between ten and fourteen years in shops or factories is \$54 per week. Four children earn one-half the family income; fourteen, one-third; six, one-fourth; three, one-sixth. The youngest of these twenty-seven children is ten years, the oldest thirteen years. Ten are engaged as cash children, seventeen in factories.

These children are directly violating the State factory law, which prohibits children under fourteen years of age from working in any factory in the State. The responsibility for this violation of the law is entirely due to the carelessness or deliberate fault of the chief factory inspector and his deputies. The factory law calls the employment of children under fourteen years of age a misdemeanor, and provides certain punishment when the law is disobeyed. A deputy factory inspector stated to me that, when

children under fourteen years were found working in factories, she investigated the circumstances; and if, in her opinion, the child's wages were needed at home, she allowed the child to continue at work in the factory. The chief factory inspector at Albany, last winter, said exactly the same thing. The factory law gives neither chief nor deputy discretionary power as to the age at which children are allowed to work in factories. We in New York State do not need new factory laws, but new factory inspectors.

The total amount of wages contributed to the family fund by the young persons between fourteen and eighteen years of age is \$186 per week. The total income of the families from all sources is \$602.50 per week. Of this amount \$230 is earned by persons between ten and eighteen years of age.

Among the seventy-six families we attended twenty-four cases of measles, nine of scarlet fever, three of erysipelas, two of consumption,—with a mortality of eight. That every precaution should be taken to prevent the spread of contagious disease is emphasized by the fact that in the year 1891 there died in New York twelve hundred and twenty persons of scarlet fever, and sixteen hundred and sixty-three from measles. There is obviously much more danger to the community where goods are manufactured or clothing laundered in rooms containing patients ill with a contagious disease. The Board of Health has power to prohibit work of all kinds during the presence of an infectious disease. The physician attending a person ill with a contagious disease is bound by the law to report it to the Health Board within twenty four hours of the first visit. Yet in no instance among the cases cited in this paper was work suspended by the health officer. A recent protest circulated by the Reform Club proves that the Board of Health of New York is simply a political machine.

There is at present no law which either regulates or prohibits the seventy-six women, whom I have reported to you, from continuing their manufacturing, and employing their children to assist them. The amended (1892) factory law gives permission to the immediate members of the family to work in their tenement rooms.

The Listman Bill gives the same permission to the immediate members of the family, and further defines a family. "The term 'family,' as in this act provided, shall be construed to mean a husband and wife and their children." The provision that a tag shall be placed on each garment is of little protection. It simply

provides that the name of the State and city shall be printed and attached to the article. -The only method that can be employed by which we shall be certain that no article is manufactured in tenement-house living-rooms, and that no little children are employed in the manufacture of any goods, is the passage of a law prohibiting such manufacturing in tenement-house apartments which are used for living and sleeping purposes, and to see that the proper officers enforce the law.- Undoubtedly, under such a law a few would suffer. The people who would suffer would probably be only a few women who, from old age or chronic illness, are unable to go to the shops to work. The widows would be forced to find work in the factories, and the orphans sent to school, — kindergarten or nursery. If there is a dearth of these, public and private philanthropy would make good the deficiency. The result would be that women would work in better sanitary surroundings, that no child under fourteen years would be employed in manufacturing goods; the sick would receive proper care, if not at home, then transferred to a hospital, there to get well or die, out of sight of the everlasting work.

I have been asked by your Secretary, Mr. Lee, to answer the following questions: First, How far tenement-house work (as distinguished from tenement home life) as now carried on is deteriorating the race of people engaged in it?

In regard to this question, my facts are worthless. I have one hundred and fifty-three persons, nine of whom were born in this country. From isolated cases which I have known, I should say that the life in tenement houses, plus manufacturing in tenement rooms, if continued, will eventually bring forth ignorant, brutal, unhealthy men and women: this *must* be when a woman, in addition to the duties of wife and mother, is forced to join with her husband as bread-winner.

The children, beginning as young as three years, either assist directly in manufacturing, or have the care of the household during a period when they should be in school or at exercise in the open air, so necessary to the proper development of mind and body.

Second. Are the children becoming stunted, thus showing the effects of overwork of the parents?

Under three years of age, the children present marked symptoms of the disease called "rachitis," due to mal-nutrition, from under-feeding and bad sanitary surroundings. From three to fourteen or sixteen years, the children are bright, and, as you have seen, capa-

ble of competing with their elders as bread-winners. From sixteen years and over, their occupations are those of unskilled labor, and their capacity for earning money remains about what it was at sixteen to eighteen years. (I speak only of the same class of people as our one hundred and fifty-three.)

Third. During the presence of contagious diseases in rooms where goods are being manufactured, was there danger of infection? If possible, give an instance of such infection. Most assuredly there was danger of infection in every case. I have no recent example. An instance, however, I recall, which occurred a few years ago. In a "sweater's" family to whom I was called occurred three cases of scarlet fever. Two women employed by him in the shop, and who also carried work to their homes to finish, asked me to attend their children, also ill with scarlet fever a few days after its appearance in the sweater's family. It is almost impossible to trace the clothing after it leaves the tenement houses. I am constantly studying this question; but, when the women do not know for whom they work, and often not even the street or number, it seems nearly impossible.

Fourth, and lastly. How much grievance is there, and what is it?

The people working in tenement rooms have a decided grievance against the city of New York, in that its sanitary and health laws are not enforced; and against the greed of employers, who give the work to the tenement-house people simply because it is cheaper.

The grievance of the children is, first, against their parents, who compel them to work as soon as they are old enough to speak, and deny them their right to an education; second, against the people of the State, who make good factory laws and place the enforcement of their laws in the hands of incompetent politicians.

## 4. THE SWEATING SYSTEM IN MASSACHUSETTS.

BY HORACE G. WADLIN, CHIEF MASSACHUSETTS BUREAU OF  
STATISTICS OF LABOR.

[Read Friday, September 2.]

The industrial evils which have been classed under the somewhat vague title of the "sweating system" have recently been the subject of official investigation in Massachusetts.

In that Commonwealth, for reasons which are perfectly obvious when the conditions surrounding the industry are understood, these evils have been principally confined to the manufacture of clothing, and to the city of Boston, where, as in most of our large cities, an influx of unskilled foreign labor has in recent years been congregated in the tenement-house districts.

Boston is the seat of the clothing industry in the Commonwealth, the aggregate output of that industry in the city approximating \$25,000,000 annually; and of this at least 90 per cent. is produced, either wholly or in part, under the contract system, which, under certain conditions, affords a basis for "the sweating system," so called. In general, the cutting and trimming are done directly by the manufacturers, only the "finishing," as it is called, being done under contract. Out of the total product affected by contract work, about 48 per cent., nearly one-half, is made by contract in the city of Boston; 16.72 per cent., or about one-sixth, in the city of New York; 26.94 per cent., slightly more than one-fourth, in the State of Maine; 4.96 per cent. in New Hampshire; 3.49 per cent. in the State of Massachusetts outside of Boston; and a small amount in the State of New Jersey.

Not all the work done under contract is done in tenement houses. The part done in tenements in Boston is principally confined to the finishing process, so far as relates to men's clothing. Some low-grade work, also some children's clothing, is entirely made up in families. In New York, however, the practice prevails of making the entire garment in family apartments. For this reason it is alleged that a considerable portion of the work done in that city for the Boston market is the product of tenement-house

labor. The amount of work sent to New York appears to be increasing; while much of that now sent there would, under conditions formerly prevailing, have been done in Boston. That is, the work sent to New York in recent years has been almost entirely withdrawn from Boston contractors; that sent to Maine and New Hampshire being principally of a different class, and not particularly affected by the New York competition.

Official returns have been secured from 33 Boston contractors, who were of the following nationalities: Hebrew, 26; American, 3; German and Irish, 1 each; not stated, 2. The following table shows the number of employees furnished with work by these contractors, by nationalities: —

NATIONALITIES OF EMPLOYEES.	PERSONS EMPLOYED BY —				Total Number of Employees.
	Hebrew Contractors.	American Contractors.	Irish Contractors.	German Contractors.	
American, . . .	193	27	22	7	249
German, . . .	1	3	..	2	6
Hebrew, . . .	427	17	..	4	448
Irish, . . .	117	24	26	9	176
Italian, . . .	187	23	2	3	215
Portuguese, . . .	6	7	..	..	13
TOTALS, . .	931	101	50	25	1,107

From the foregoing table, which represents 1,107 employees, it appears that 931 were employed by Hebrew contractors; and of these 427 were Hebrew, 193 American, 187 Italian, 117 Irish, 6 Portuguese, and 1 German. 101 employees in the employ of American contractors included 27 Americans, 24 Irish, 23 Italians, 17 Hebrews, 7 Portuguese, and 3 Germans. 50 employees working for Irish contractors comprised 26 Irish, 22 Americans, and 2 Italians. 25 employees working for German contractors comprised 9 Irish, 7 Americans, 4 Hebrews, 3 Italians, and 2 Germans. Out of the total number of employees, therefore, it appears that 448 were Hebrews, 249 Americans, 215 Italians, 176 Irish, 13 Portuguese, and 6 Germans. While these figures do not represent the total number of employees engaged on contract work in the city, they may be considered as representing the relative preponderance of the different nationalities employed. In the following table these employees are classified by sex, according to nationality: —

NATIONALITIES OF EMPLOYEES.	Males.	Females.	Both Sexes.
American, . . . . .	34	215	249
German, . . . . .	5	1	6
Hebrew, . . . . .	223	225	448
Irish, . . . . .	32	144	176
Italian, . . . . .	92	123	215
Portuguese, . . . . .	5	8	13
TOTALS, . . . . .	391	716	1,107

Respecting the capital required to carry on this work, one contractor reported the amount necessary to be \$20,000; another, \$10,000; one, \$6,000; two, \$5,000; two, \$2,000; two, \$1,500; one, \$1,200; six, \$1,000. The rest reported amounts less than \$1,000, from which it would appear that the financial burden of the contractor's business is largely sustained by the manufacturers furnishing him with work.

The hours of labor generally observed by the contractors, according to their returns, are ten per day; but this applies entirely to shop-work. One only reported more than ten; and it was generally stated that most of the help are on piece work and take their own time, by which it is meant that strict and regular hours of labor are not always observed. Five contractors reported a shorter working day on Saturdays. One hour is generally allowed for dinner when the work is done in shops.

The work performed by the contractors covered all grades of men and boys' clothing.

The contract system was in vogue in Boston as early as 1863; and while at that time nearly all the wholesale houses had their own workshops, yet many of them were in the habit of contracting a portion of their work. Since the date mentioned, work under this system has slowly increased, expanding materially after the Boston fire of 1872, which, depriving many wholesalers of their own establishments, gave to the contractors an opportunity which they at once improved.

The system, as conducted at the present time, affecting as it does the wholesaler, retailer, contractor, and employee, is somewhat intricate. In general, the wholesalers furnish the material, which is cut and trimmed in their own workshops; this part of the work being done by persons directly in their own employ, and under proper sanitary conditions, as required by the provisions of

the Factory Inspection Act. The goods are then sent out to contractors to be made up. Certain classes of garments, for instance, coats, may be given to New York or Boston contractors; others, for instance, pantaloons, to Boston or Maine contractors. For the manner in which the contractor conducts his business, as to the conditions under which his work is performed, or respecting the prices he pays to his employees, the wholesaler disclaims responsibility and knowledge.

So far as the contract work performed in shops in the city of Boston is concerned, it is, of course, like other factory work, subject to the provisions of the Factory Inspection Act; and generally, whether in Boston or elsewhere, the character of the work done in shops is not particularly criticised.

The contract work sent to Maine is either entirely executed in shops, or, as is frequently the case, partly in shops and afterwards finished at farm-houses, the women of the family thus adding to their income. No criticism seems to attach to the work done in Maine so far as its cleanliness is concerned. It may in some cases affect the prices paid for similar work done in Boston, but the Maine work is principally of a different style or class from that made up in the city. But it appears to be true that, especially in the case of the contract work done in New York, considerable quantities are made up in tenement houses, amid filthy and squalid surroundings, under the poorest sanitary conditions, by alien labor, not subject to factory inspection, and for the lowest possible wages.

There are contractors in New York who take the uncut material from the wholesaler, cut and trim it in their shops, and then sublet the making to tailors in tenement houses, the work being performed in the family living-rooms. As a rule, the Boston contractors appear to conduct most of their work in shops, but the practice of sending out work to be finished in tenements is common; and, under the pressure of New York competition, the tendency seems to be toward the industrial conditions obtaining there, especially with the increase through immigration of the same sort of labor that is already so largely centred in New York. Meantime the amount of work sent to New York to be made appears to be increasing, as, for obvious reasons, prices rule lower there. This subjects the wholesaler or contractor in Boston, who desires to carry on his work under better conditions, and who is required by Massachusetts law to observe proper sanitary regulations in



his workshop, to an unequal competition, and tends to lower the grade of labor employed in Massachusetts, and to reduce the wages or diminish the employment of Boston workers.

With respect to the wages earned by the employees of contractors, I present the following statement made by an employee:—

"I have worked at this business in this country three years; have always worked 10 hours per day, and have not been idle for a year and a half. I suppose I do good work.

"The following indicates the weekly wages earned by the people in this business: Women: finishers, from \$4 to \$6; busheelers, from \$4 to \$8; basters, from \$9 to \$12; press girls, from \$6 to \$8. Men: stitchers, from \$4 to \$18; press men, from \$10 to \$18."

I also present the following tabular statement as to wages paid employees upon contract work. This statement, while it covers but a small part of the employees in the city, gives a fair indication of the rates of earnings for males and females:—

#### COATS, PANTALOONS, VESTS, AND CHILDREN'S CLOTHING.

CLASSIFIED WAGES.	Males.	Females.	Total.	Percentages.
\$4.00-\$7.00	..	8	8	20.00
7.00-9.00	.	2	2	5.00
12.00-16.00	10	..	10	25.00
16.00-18.00	15	..	15	37.50
18.00	5	..	5	12.50
	30	10	40	100.00

#### PANTALOONS.

CLASSIFIED WAGES.	Males.	Females.	Total.	Percentages.
\$3.00-\$6.00	..	8	8	4.40
3.00-10.00	.	27	27	14.83
3.00-12.00	.	25	25	13.74
3.50-10.00	.	35	35	19.23
5.00-10.00	.	20	20	10.99
6.00-12.00	..	17	17	9.34
7.00-8.00	3	..	3	1.65
7.00-12.00	14	..	14	7.69
8.00-15.00	15	..	15	8.24
8.00-18.00	10	..	10	5.49
10.00-20.00	5	..	5	2.75
12.00-18.00	3	..	3	1.65
	50	132	182	100.00

## COATS.

CLASSIFIED WAGES.	Males.	Females.	Total.	Percentages.
\$2.50	..	2	2	0.27
4.00-57.00	..	17	17	2.28
4.00- 8.00	..	43	43	5.77
4.00- 9.00	..	25	25	3.36
4.00-10.00	..	42	42	5.64
4.00-11.00	..	32	32	4.30
4.00-12.00	..	38	38	5.10
4.50	1	2	3	0.40
5.00	..	3	3	0.40
5.50	..	1	1	0.14
6.00	..	2	2	0.27
6.00- 8.00	..	47	47	6.31
6.00-10.00	..	40	40	5.37
6.00-11.00	..	73	73	9.80
6.00-12.00	14	110	124	16.64
7.00	2	..	2	0.27
7.00-12.00	7	..	7	0.94
7.00-14.00	15	..	15	2.01
7.00-15.00	4	..	4	0.54
8.00-16.00	8	..	8	1.07
8.00-17.00	8	..	8	1.07
8.00-18.00	15	..	15	2.01
10.00	5	..	5	0.67
10.00-14.00	5	..	5	0.67
10.00-18.00	55	..	55	7.38
12.00	13	..	13	1.75
12.00-15.00	10	..	10	1.34
12.00-18.00	2	..	2	0.27
12.00-20.00	48	..	48	6.44
13.00	1	..	1	0.14
14.00-20.00	20	..	20	2.68
15.00	2	..	2	0.27
15.00-20.00	8	..	8	1.07
16.00	1	..	1	0.14
18.00	9	..	9	1.21
18.00-30.00	15	..	15	2.01
	268	477	745	100.00

In the foregoing table the wages of employees upon coats exclusively and upon pantaloons exclusively are presented separately from those of employees upon coats, pantaloons, vests, and children's clothing. The first column in each section of the table presents the various wage classifications embodied in the returns secured. It will be observed that no condensed classification has been made. I have thought it better to present the figures exactly as they were returned rather than to attempt any classification, which, from the nature of the case, would be more or less misleading.

The wages represent in most cases weekly earnings based upon piece work and, of course, vary with the amount of work given to the employee or with the amount of work which the employee may perform in the week over time; that is to say, more than the usual ten hours per day. This accounts for the somewhat wide range presented in some cases in the table. For instance, in the first section of the table, relating to coats, the largest percentage is opposite the line \$6 to \$12; 16.64 per cent, or about one-sixth of the total number of employees included in the returns, falling into this class, the larger part being females. A closer analysis would show, probably, that the majority of these workers were paid wages approaching the minimum figure, and that very few could earn as high as \$12 per week, this wage representing exceptional workers under the most favored conditions. A similar qualification should apply to the other wage presentations in the table where the range is broad; as, for instance, in the section relating to pantaloons, where the range in one instance is from \$3 to \$12.

In general, it may be said that, whether for males or females, the highest wages quoted in the table are paid to a small proportion only of the workers, and represent either exceptionally skilled service or unusually prolonged work.

It will appear from what has been said that it is the influence of the New York work that is most deleterious upon the industry in Boston; and the problem is further complicated by the fact that New York wholesalers have, in some cases, directly supplied retail dealers in Massachusetts through representatives.

The following statement from a person connected with the business, now in Boston, but formerly in New York, and who is thoroughly familiar with the conditions obtaining in the trade, throws light upon the relative earnings in each city, and shows how the nominal wages per day are reduced under the sweating system by the establishment of a nominal day's work which, in most cases, requires a much longer time. It shows, also, the tendency of competition, when work is performed under such conditions in New York, to reduce wages in Boston or to bring the worker to substantially the same plane of labor as exists in the larger city:—

“The workers in these tenement houses, or ‘shops,’ as they are sometimes called (when a family takes one or more boarders, who are also tailors), are divided into ‘teams’ or ‘sets,’ which consist of three men,—*i.e.*, one machine man, one baster, and one finisher, who are paid as follows: machine man, \$3; baster, \$2.50; fin-

isher, \$1.50, or \$7 in all. They are given, for instance, 24 coats to be finished before they are entitled to a day's pay. Now, if they can finish them in 24 hours' time, and they work 18 hours per day or 108 hours per week, they will finish in all 108 coats, entitling them to  $4\frac{1}{2}$  days' pay, the stitcher receiving \$13.50, the baster \$11.25, and the finisher \$6.75. If, however, they work but 10 hours per day, or 60 hours per week, they can make but 60 coats, entitling them to but  $2\frac{1}{2}$  days' pay for the week, the stitcher receiving but \$7.50, the baster \$6.25, and the finisher \$3.75, or \$17.50 in all, the price paid for making 60 coats, or 29 cents per coat.

"In this way they must work as many hours as possible in order to live. One can readily see how this must affect the Boston contractor, who is generally a Hebrew. He understands how his brother in New York is operating, he knows the major part of the Boston work is going to New York, he is desirous to retain it, and he therefore tries in every possible way to imitate the New York contractor by getting part of the work done in the tenement houses, —*i.e.*, the 'finishing'; while in the shops some already work in 'sets' and by the piece, which is the nearest approach it has yet been possible to make to the New York method. The tenement-house work in Boston differs from that of New York, as, while all the work on the garment is frequently done in the tenement house in New York, only the finishing is done in the tenements in Boston. While this may be better for the tailors who work in shops in Boston, it is no better for the community, as many of these tenements are very unclean."

The following statement, made to me by another informant equally reliable, presents corroborative evidence along the same line:—

"A machine man will do the stitching on about nine coats per day. For a man to earn \$3 in New York he must stitch 16 or 18 coats; that is, he must work about 16 hours in order to accomplish the amount of work that will entitle him to a nominal day's pay. If he is thus able to earn \$18 per week, he is turning out just about twice the work we do here for the same money. Girls' pay in New York shops runs from \$5 to \$9. If they get steady work, they will earn from \$8 to \$12 in Boston.

"My business in the past four years has fallen off 50 per cent. This has been a steady decline. We do not complain about the clothing made in Maine. It is made well. It comprises the rough,

strong work which there must be a certain demand for. All we complain of is New York labor working nearly double time to earn the same pay that we do, while Boston furnishes the work.

"We cannot compete with the class of people doing this work. We should starve. Neither can we endure so many hours' labor. And then we would not be allowed to live in such quarters in Boston as they live in and work in New York."

The contract system is of advantage to the wholesaler in that it enables him, as a rule, to have his goods made much cheaper than he could manufacture them himself, on account of saving in rent, salaries of superintendence, etc.; and, besides this, he is not obliged to buy his material so early as he would if he were to make it up in his own workshop, for the reason that by apportioning it among several contractors the full stock necessary for the fall or spring trade can be turned out in a short time. This obviates the necessity of locking up capital in material, and affords him more time to decide on styles, etc., and also gives him better opportunity to find the lowest market for the purchase of material.

Unscrupulous contractors, however, under competition, having taken the work at the lowest prices, resort to every means to realize a profit. This is the objectionable feature of the system when unregulated. Expenses must be reduced in every possible way. Tenement-house labor, often recently imported, alien to our customs and contentedly living upon a plane inferior to the American standard, is seeking employment; and, by using it, shop-rent may be avoided. In these houses are found, employed either directly or through a sub-contractor, persons of both sexes, frequently entirely ignorant of our language, the entire family sometimes eating, sleeping, and working in one apartment. These are the conditions of the "sweating system," so called. The work is done by the piece, and ordinary hours of labor are disregarded. ✓

My personal investigation of the subject in Massachusetts has led me to the following conclusions: Sweating undoubtedly exists, and is to be deplored; but, strictly speaking, there is no such thing as a sweating *system*. That I may avoid misunderstanding, let me explain my meaning.

Modern industry rests upon system; that is, upon organization. Its characteristics are the subdivision of labor, the development of special skill, the use of machinery, and the correlation of a series of distinct, yet mutually related, processes. The systematic

arrangement and correlation of industrial forces toward a certain definite end, is essential to production as now conducted, and distinguishes the modern factory system from the domestic or unorganized method of production which preceded it.

So much is perfectly clear. But the slightest investigation shows that "sweating" does not rest upon system, is not even a necessary adjunct of modern methods of production, but, on the contrary, is simply an incident or condition which exists when some of the essential characteristics of modern industry are lacking; that is, when the workers are generally unorganized, when skill is least developed, and where the factory has not yet entirely superseded the domestic form of employment.

This, if true, is encouraging. For, if it were otherwise, and sweating were a distinct system of production, resting upon an organized basis, it would be exceedingly difficult to overcome it. While, on the other hand, if my contention is correct, and it is but an incident or peculiar condition, not in any way essential to the modern industrial system, but in fact opposed to the peculiar features of that system, we may reasonably expect its prevention as soon as we are agreed as to what it is, and why it occurs.

At present, however, there seems to be no general agreement as to what constitutes sweating. The agitation against it in Massachusetts has been mainly directed against the manufacture of clothing in filthy and presumably disease-infected tenements. Its motive, so far as it appeared in the demand for legislation, was the protection of the public against an infected product, rather than the protection of the workers against the exactions of the sweater. It was, in fact, sanitary legislation rather than industrial legislation that was sought. And yet I suppose it to be true that the social or industrial evils incident to sweating are far more serious than the danger from infection that may possibly be found in the product turned out under it.

Some appear to think sweating identical with the method of sub-contracting. Others again speak of it as inseparable from tenement-house employment. Now, if I am correct, it is neither of these. Sweating may accompany these, or it may not. Each of these things may, under certain conditions, develop evils which may be deplorable and which ought to be corrected. But these evils may not be sweating. For instance, production may go on under sub-contracting, or in unsanitary work-rooms, which, indeed, may be overcrowded, or it may proceed in apartments occupied by the family, and yet there may be no sweating in either case.

Sweating, if we are to be exact in our definition, implies the continuous oppression of the worker by his employer, either by underpaying him for his service, overworking him, or both.

It is possible under any industrial system ; but it is not likely to occur in an aggravated form except under conditions which place a peculiar incentive before the controller of labor, whether employer, superintendent, foreman, it matters not which, to oppress the worker to his own advantage, joined with conditions surrounding the worker which make it practically impossible to avoid such oppression.

The conditions essential to sweating appear to me to be :—

1. Generally, a superintendent (either employer, overseer, or foreman) whose pecuniary reward is directly proportionate to the amount of work which can be exacted from the workers in a given time, or to the saving in labor cost that may be effected by paying the workers the lowest possible wage.

2. On the part of the workers, low degree of skill, undeveloped intelligence, and isolated or comparatively isolated employment, whereby organization is rendered difficult.

Mr. David Schloss, in his excellent and, in many respects, unique work, "Methods of Industrial Remuneration," thus emphasizes the importance of the first of these conditions when he says, page 5,—

"The true inwardness of the 'sweating system' . . . is to be looked for in the fact that the 'sweated' work people, instead of being employed under a foreman remunerated by time-wage, are employed under a taskmaster remunerated by 'the profit on the job' ; that is, in strict proportion to the speed at which he can drive his subordinates."

And again, page 134, he remarks,—

"The essence of 'the sweating system' consists in the stimulus given to the immediate superintendent of labor by making his earnings proportionate to the vigilance and severity of his supervision."

To these statements he adds,—

"If it were possible to abolish the piece-work remuneration of all superintendents of labor, then, and then alone, should we have got rid, root and branch, of the sweating system." (Page 6.)

And again,—

"If it were possible to replace every superintendent remunerated in this manner (whether small employer, sub-contractor, or

piece master) by a superintendent remunerated by time-wage or salary irrespective of results, then we should entirely have done away with the sweating system." (Page 134.)

It will be noticed, however, that I have mentioned two conditions as essential to sweating, one relating to the superintendency, the other relating to the status of the worker. Both of these, it seems to me, must meet, or there will be no sweating, and by changing the status of the worker, as well as by changing the method of his superintendency, to which Mr. Schloss particularly alludes, sweating may be prevented. The method of sub-contracting usually supplies the first of these conditions, in that under it the contractor, who takes the work at a fixed price, depends for his reward upon the balance remaining after paying his employees. Thus the less the share of the employees, the greater will be his own. So, too, if a foreman or superintendent, whether under a sub-contractor or in a large manufacturing concern, is paid in proportion to the work the persons under him perform, or undertakes to produce a certain article for a fixed price,—his own service being rewarded by the balance remaining after paying the labor cost,—one of the conditions under which sweating occurs will exist; namely, the incentive which leads to overworking or underpaying the worker. In general, therefore, sweating will not occur except when a middleman, either sub-contractor, foreman, or superintendent, intervenes between the employer-in-chief and the workmen, and is paid by the method stated.

This, however, will supply but one of the conditions under which sweating occurs; the other, it will be borne in mind, relating to the status of the workers. Both, I repeat, must be joined.

Therefore, the system of sub-contracting or of rewarding superintendency out of profits does not necessarily involve sweating. When the skill required in the industry precludes the employment of a comparatively low degree of labor, or when the work must, from its nature, be done in a factory under proper sanitary and industrial conditions, or when other employment is open to the workers (possibly through a demand for labor in the district where they are employed), or when the possibility of effective organization is open to the workers, the work may go on without oppression of the worker, and, of course, without leading to serious social evils.

Thus the system of sub-contracting, even the method of payment of superintendency out of profits on the jobs, obtains in



the boot and shoe industry, in some forms of metal working, and in the building trades in Massachusetts, substantially the same as in the clothing industry, although not to so great an extent; and yet in neither of these industries has sweating, although possible, been imminent nor led to serious complaint.

The clothing industry, however, differs from these others in that it still remains, to a considerable extent, a domestic industry; and in it untrained and unorganized labor may still be employed, largely of women, who may do the work in connection with their main occupation of housekeeping.

Scarcely 30 years have passed since the boot and shoe industry afforded like opportunities. This industry has now become highly organized, and is perhaps the most complete exemplification of the supersession of the domestic by the factory system. Within the memory of men still young, the women of Eastern Massachusetts were extensively employed in their own homes in the labor incident to shoe production, while men were wholly employed in small isolated shops adjacent to their houses. The industry has now almost entirely left the home and entered the factory, and the women who are employed in it have followed the work.

The clothing industry is undergoing similar changes which are not yet complete. It has always furnished employment to women in their homes; and while the movement of the industry from the home to the factory has made great progress it has not yet entirely changed the system under which the industry is conducted.

In 1875, out of 30,916 women in all industries furnished with work at their homes in Massachusetts, 9,326, or about 30 per cent. of the whole number, were in the clothing industry. In 1885 the total number of women in all industries furnished with work at their homes had declined to 18,333, a loss of nearly one-half the number found employed in this way in 1875. But the number employed in the clothing industry still aggregated 8,383, and these constituted nearly 46 per cent. of the whole number.

It is still possible for the farmer's wife in Maine, or the women in the shore towns along Cape Cod, to earn a little money by finishing cheap clothing for the Boston manufacturer or contractor. The skill required is slight, the employment secondary to housekeeping, undertaken as an aid, but not as an absolute essential to the support of the family, and therefore willingly done for small

wages. The industrial system is exactly the same as that under which clothing is finished in the tenement houses of the city; but the status of the workers is not the same, and they can hardly be said to be "sweated."

While the domestic method of employment so largely continues in this industry, ignorant and untrained labor has during recent years been rapidly congregated in the larger cities through immigration. This labor may be conveniently employed on the cheaper grades of clothing, either in the tenements or in small adjacent work-rooms. It is, in many cases, unacquainted with our language or customs, and must accept, temporarily at least, any employment offered. It is poor in skill, poor in purse, and accustomed to poor fare, poor lodgings, squalid surroundings, and low wages; and it is, of course, unorganized. As a large part of the work in the clothing industry is done under contract, possibly the primary contractor, who receives a certain price for doing the work, also contracts with another who may be willing to take a portion at a still lower price. The final contractor is, of course, bound to take every possible advantage, in order to increase his own margin of profit, which, in any event, must be small. He is generally of the same nationality as the people he employs, but has been here longer, "knows the ropes," if I may use that expression, and also knows the peculiar habits, customs, and necessities of his employees. The conditions lead inevitably to sweating, but it will be noticed that the only *system* about it is the method of sub-contract pushed to extremes, joined with the peculiar status of the workers.

So far as the clothing industry is conducted in factories, it is subject to the same influences as other factory industries. The factory work is generally of a better grade; and the workers, being congregated, may organize to advance their own interests, to resist overwork or underpay.

The great obstacle to successful organization among the workers in this industry is the direct employment of out-workers in homes by the large concerns, and the existence of numerous small contractors who employ small "teams," or groups of unorganized workers, in tenements or isolated work rooms, which, from the conditions under which they are employed, are outside the influence of organization. The presence of these unorganized workers constantly interferes with the success of plans which the organized workers may undertake for the advancement of their own inter-

ests, and when the unorganized workers in general occupy a lower social or industrial plane, the difficulty is increased. For they will under such circumstances contentedly accept a lower wage or willingly work longer hours than the organized workers.

The organized worker thus finds the conditions which permit sweating a constant menace to his own industrial position. That these conditions are a social menace is obvious, for it is unquestionably against the interests of society that any body of workers should remain in ignorance and squalor, overworked, and underfed. In any broad view of the matter, the existence of such an industrial body is also, for economic as well as ethical reasons, against the interests of the capitalist or employer.

It is, then, desirable to remedy the conditions which make sweating possible. If correctly stated, these involve :—

1. The method of employment, including method of superintendence.
2. The status of the workers.

Change either of these, and sweating may be prevented.

The first is not likely to be changed by legislation. Employers are not at present likely to abandon sub-contracting, especially as it has definite economic advantages, as has been stated. It may be modified, perhaps, by agreement, in response to demands on the part of the workers after they have become sufficiently organized to make their demands effective.

The peculiar status of the workers may be changed by increasing skill, developing intelligence, in short, by raising their standard of living and increasing their economic value. This, again, cannot be done directly by legislation ; but, indirectly, legislation may help. With respect to the young, especially, compulsory educational statutes, comprehending not merely the literary rudiments, but industrial training as well ; besides these, enforced sanitary regulations in the conduct of industries in tenements, and generally such statutes as have for their object the protection of the worker in his employment, against the oppression of unscrupulous employers, have their influence.

Whatever tends to bring the immigrant, who is now so largely employed in this industry, under the pressure of our social environment will aid ; and much may be done under the influence of an acute public sentiment.

From what I have said it will, I think, be clear that sweating in Massachusetts has not yet passed beyond the germinal stage. It

has by no means reached the proportions it has acquired in New York, and, of course, bears no comparison with the evil as disclosed in East London, mainly because there is in Boston far less labor of the sort which permits sweating than there is in these larger cities. It is also true that the clothing industry, in which this labor is so largely utilized, is conducted under somewhat different methods in Boston.

Nevertheless, something has been done in Massachusetts to remove the conditions which make sweating possible, so far as relates to the status of the worker.

The industrial problem has not been directly met. No attempt has been made in legislation to abridge the method of sub-contracting, or to prevent the employment of foremen who are paid out of profits.\*

Legislation in Massachusetts has been directed toward the enforcement of proper sanitary conditions in the tenements where work is carried on, and toward enabling the purchaser of clothing to know whether or not it is tenement-made.

In a report upon this subject made to His Excellency, the Governor, and by him transmitted to the Legislature, prior to legislation, in March, 1891, I made the following suggestion:—

"It would appear to be possible, and it might be wise, to require those who conduct the industry in tenements to do so under a license to be obtained of the inspectors of factories and tenements and to oblige them to conform to proper standards as to cleanliness and sanitation."

The legislature in that year did not proceed so far. It did, however, extend to tenement-house work the system of inspection that already applied to factories. At the recent session it introduced the license system.

The conditions under which these licenses are granted by the Department of Inspection, of which Rufus R. Wade is Chief, are:—

1. Absolute cleanliness of apartments and surroundings.
2. No room or rooms used as sleeping apartments shall be used for the purpose of finishing any articles of wearing apparel intended for sale, nor shall any of such articles of wearing apparel, while in process of finishing, be allowed to remain there.

\* Such, for instance, as in the "New Contract of Her Majesty's Office for Works and Repairs in the London District" (House of Commons' Reports, 1891, No. 109) which, after making certain limitations as to sub-contracting, also provides against the employment of "Task-men in, upon, or about the works or repairs." C. F. Schloss, "Methods of Industrial Remuneration." Pages 139, 140.

3. In case of removal, or in case of any contagious or infectious disease in the family of the person holding a license, or in any family residing in the same building, notice must be at once sent to the inspector of the district.

4. No person or persons not members of the family shall be employed in finishing any such articles of wearing apparel intended for sale.

At this date about 700 applications have been filed for licenses. These are mainly from women. About 300 licenses have so far been issued. After an application is filed, a permit for 30 days is granted, during which time the tenement is inspected, and, if not found satisfactory, it must be made so, or the application is refused. I am informed by Chief Wade that the effect of the law has already been salutary, and there can be no doubt that, under a rigid system of inspection, permanent improvement will result.

Unfortunately, this legislation, while operative in Massachusetts, will not protect the industry against competition with those who do not conform to such standards elsewhere, nor protect the community against infection which may exist in the imported product. In order that the purchaser may know the origin of the product, however, the law further provides, under penalty, that whoever knowingly exposes for sale tenement-made clothing shall cause it to bear a tag or label, upon which shall be legibly printed the words "tenement-made" and the name of the State and the city or town where such clothing was made. The law also provides that the district police shall examine ready-made clothing brought into the Commonwealth for sale which has possibly been manufactured in whole or in part under unhealthy conditions, and the provision as to tagging is supposed to aid in the enforcement of this provision. If, upon examination, the goods are found to contain vermin or to have been made in improper places or under unhealthy conditions, the district police are required to make report of their findings to the State Board of Health, which, thereupon, may make such order or orders as the safety of the public shall require.

This legislation, if enforced, will remove some of the obnoxious features which have accompanied "sweating," and, so far as it enforces cleanliness and sanitation, will tend toward raising the plane upon which the industry is conducted, and toward improving the status of the workers.

## 5. ABSTRACT OF PAPER BY MR. HICKS.

William L. Hicks, Chief Inspector of the Boston Board of Health, in a paper on "Tenement House Work-rooms in Boston," said, in substance, that the legal definition of a tenement house in Massachusetts is a building which, or any portion of which, is occupied or intended to be occupied as a dwelling by more than three families, living independently of one another and doing their cooking on the premises, or by more than two families above the second floor, so living and cooking. This definition applies to a great variety of houses, which are occupied by all classes of people, from those of the highest social standing to those of the lowest, as can be judged from the rentals, which range from \$6,000 a year down to less than \$1 a week. In neither the best nor in the worst of the classes of houses mentioned is any work done beyond the ordinary housework; in the lowest class, for the reason that the vicious do no work that they are not compelled to do to supply their immediate and daily wants. The practice of manufacturing or finishing clothing or other articles in tenement houses is not so prevalent in Boston as might be supposed. Many families are accustomed to take home work of various kinds. Generally, they are honest, frugal people; and in many cases they are families where, through misfortune or otherwise, the head is unable to support them; in which cases such work is an actual necessity, and they cease to do it when not an absolute necessity. It is a rare exception that the apartments occupied by these workers are found in an uncleanly condition. This work is done only by the very poor, who have not the means to occupy better quarters and who prefer a life of honest toil to one of dependence or worse. The houses themselves are frequently so near together as to prevent the free inlet of sufficient light and air to make the habitations and work-rooms comfortable and healthy.

In this connection it may be well to consider the fact that, as much of the ready-made clothing in the market is manufactured or finished in the country districts, where no medical or sanitary supervision is had, much more danger of the spread of infectious diseases is to be apprehended than in this city, where a watchful

supervision is constant and thorough. Although frequent and careful examinations of the lower class of tenement work-rooms prevail throughout Boston, but one case of chronic disease has been found among these workers during the present year; and this case, which to the casual and inexperienced observer seemed a possible source of danger, was, after a thorough medical examination, declared harmless. Most of the workers in these tenement houses are women, and almost exclusively adults, though there are some men engaged in various industries in their habitations. Some are engaged in making or finishing ready-made clothing, while others do a sort of custom work, repairing, etc. It is a singular fact that almost all the dressmakers in the poorest neighborhoods are men. These workers are almost invariably foreign born. The Western Islands furnish the larger number, the smaller number being mostly Neapolitans and Hebrews.

## 6. THE SWEATING SYSTEM.

BY JOSEPH LEE, OF BROOKLINE, MASS.

The first discovery that one makes in studying the sweating system is that there is no such thing. Not only is there no system coextensive with the popular use of the word, but there is no single characteristic which is found in all the cases to which the word is applied which is not also found in a great many other cases to which it is not applied. The words "sweating system," in short, have no definite meaning.\*

There is, nevertheless, a subject, or a group of subjects, for our discussion to-day; namely, certain industrial conditions, their causes and possible remedies. The only important thing for us, in this connection, is that the subjects grouped together shall be such as naturally go together, and can therefore be profitably considered at the same time, and that we shall make it clear at all times just what we are talking about. I hope that the papers read here to-day will be found sufficiently related to each other to aid in the practical consideration of important social problems.

My object has been to aid in discovering whether a grievance exists. If so, what it is, and what, if any, is the remedy. My general plan has been that I, in my paper, which is founded chiefly on the House of Lords Report,† should present certain industrial con-

\* See Report of House of Lords Commission, vol. v. p. xlii., "171-174," and Index to Report, vol. i., "Sweating System." From the concise definition "subcontracting" to the more sonorous "grinding the faces of the poor" of Mr. White, the people's champion, who opened the prosecution before the House of Lords Committee, the definitions given are many and various; but as yet no two people have ever agreed upon the same one. The conclusion I have come to is that "sweating," like charity, covers a multitude of sins, and is an unsatisfactory question-begging bit of slang at the best.

† The Report of the Select Committee of the House of Lords is published in consecutive years, from 1888-90, and consists of five folio volumes besides two volumes of index; and there are 32,476 questions and answers. From the great number of witnesses (291: see p. iii. of Final Report), and the rambling nature of the answers of many of them, the different subjects taken up are mixed together in about the same way as though one were to take an encyclopædia, put each sentence upon a separate slip of paper, and then draw these slips out of a bag, and have them printed in the order in which they came. The only key to this maze is the Index, which I have not found entirely reliable, and a few references in the Final Report. Any reference in a note to this article, omitting to name any book, refers to the House of Lords Report on the sweating system, 1888-90. If reference is simply by a numeral, it is to a question in that Report, so numbered, with its answer. If by a Roman and Arabic numeral (as ii. 573), it is to a volume and page of that Report, and a reference to "Index" is to its index (two folio volumes).



ditions found in England, with sufficient discussion of the practical problem of what can be done about it to show the bearing of the facts, and then to get experts to present an account of such conditions obtaining in this country as seem to have most importance in relation to the practical question of legislation.

#### DESCRIPTION.

The trade to which I have paid most attention, as it is the one in regard to which the question has most forcibly arisen in this country, is the tailoring trade, chiefly as it exists in London.

A typical "sweating-shop" \* in the tailoring trade is a room 10 feet by 12, and 8 feet high, with six or seven† men and women, some with sewing-machines and some without. These rooms are often, but not usually, lived in by the people employed in them. The people are all busily at work ; and it is impossible to tell, by looking at them, which is the sweater and which is the victim.‡ The employer, the so-called "sweater," hires the room together with his lodgings ; but there seems usually to be a distinction between lodging and workshop to the extent of his sleeping with his family in an adjoining room.§ Then comes the large shop, like that of Mark Moses, who was one of the chief witnesses before the House of Lords Commission. These shops will contain from 10 to 20 workers, seldom more than 25,|| and will be built in what they call the "garden" in London ; namely, the back yard, or in an attic.¶

But besides these regular shops, large and small, there are also a very large number of home workers. The workers in the shops

\* For general descriptions of sweating see the various articles on "sweating" and on the various "sweated" trades in Charles Booth's "Labor and Life of the People."

† See Miss Potter, in Booth's book, "Labor and Life of the People," i. p. 288, a table showing that the great number of sweat-shops contain less than 10; Index, i. p. 442, "Tailoring Trade," xxviii. (132) and (133); "Labor and Life of the People," Charles Booth, i. p. 239; Burnett, ii. p. 569 *et seq.*

‡ The sweater works as hard or harder than his men. Burnett (Labor Correspondent of Board of Trade, ii. p. 572), quoted by Miss Potter, "Labor and Life," i. p. 220; cf. *ibid.*, pp. 491, 231, 293; Louis Lyons, 1776.

§ Burnett, ii. p. 572; Miss Potter, in "Labor and Life," etc., i. pp. 220, 221.

|| Numbers in larger shops,—see Index, i. 441, "Tailoring Trade," xxv. 121,—one hundred or two hundred hands, testified to, average 20; Miss Potter, in "Labor and Life," i. p. 231, only fifteen out of nine hundred "sweaters" in East End employ over twenty-five hands, 80 per cent. less than ten.

¶ Miss Potter, "Labor and Life," etc., i. p. 221; Burnett, ii. p. 571; and many other witnesses.

are mostly Jews.\* The home workers are almost entirely Gentiles, and are chiefly women.

#### ORGANIZATION.

The usual organization of this industry is that the sweater, or master tailor, usually a Jew,† goes himself to the clothing firm and gets orders or contracts, which he executes by hiring people to work under him in the shops above described. The firm supplies the material, all cut;‡ and the sweater puts it together. There have been intermediate contractors between the sweater and the firm, but these are dying out;§ and no instance of one was brought up before the House of Lords Commission.||

The home workers receive their work partly from sweaters (small employers), who will sometimes sublet to them a part of their work,¶ partly direct from the wholesale or retail tailor shops,\*\* and partly from contractors, who take contracts from large shops and distribute the work among these home workers.††

There is a tendency now for firms to start shops of their own in the East End of London, and distribute the work from there to these home workers, thereby saving for themselves the profits of the contractors.‡‡ Home workers for the London trade are not confined to London. A great deal of clothing is sent to the provinces, as they call everything not London, and there made up in the homes of the people by the women. This business is done by

\* Burnett, ii. p. 572; Miss Potter, in "Labor and Life," etc., i. pp. 210-215.

† Not so outside of East London, apparently. Lyons, 1772-4, 3672, 1947-8.

‡ Labor and Life, etc., i. p. 483, etc.

§ Arnold Henry White, 1351; Potter, in "Labor and Life," etc., i. p. 228, "A Fiction of the Present." And see Index, i. p. 460, citing Morris Stephany (Secretary Jewish Board of Guardians), Arnold Henry White, Rev. Wm. Anderson (vicar of Old Ford, twenty years in East London), Rev. James Munro (minister in Bethnal Green), and Lionel Lindo Alexander (Honorary Secretary Jewish Board of Guardians).

|| So Miss Potter, in *Nineteenth Century*, June, 1890, pp. 887, 888.

¶ Index, i. 458. Buttonholing thus sublet. Burnett (Labor Correspondent of Board of Trade), 17242; *contra*, Lakeman (factory inspector), 16627. Sometimes the chief machinist in a sweat-shop takes the job on contract. Burnett, 17242; Lyons, 181, 1827-8. Sometimes the women home workers sublet the work again to other women. Burnett, 17242; White, 1308, 1321; Adamson, 2597; Munro, 1371; and ii. p. 573.

\*\* *E.g.*, "Labor and Life," etc., i. p. 236.

†† Labor and Life, i. pp. 485, 486, etc.

‡‡ See, *e.g.*, Index, i. p. 460, citing Mr. Hawes, Manager Working-women's Co-operative Association, Limited, formerly a master tailor.

large contractors, who own a wagon and take the goods round to the cottages, and bring them back when finished.\*

To understand the way in which the work is divided among these different agencies of large and small sweaters and home workers, it is necessary to understand that all the clothing trade is divided into three parts, one of which manufactures coats, another vests, and the third what in England are called trousers, and in America are known to the trade by the name of pants.† There is also the juvenile clothing trade, distinct from the other three. These different branches of the tailoring trade are divided up somewhat as follows: In the West End of London, where the best clothes are made, the whole suit is made by skilled journeymen tailors, paid good wages and working chiefly on the premises.‡ Of this trade, the very best is the making of riding trousers and riding habits. As we go east in London, descending in the social scale, the clothes are made more and more away from the premises of the firm.§ The coat trade in these intermediate grades is almost entirely in the hands of the sweater, both ready-made coats and those made to order. Vests are made partly by the sweaters and partly by women workers at home, the former getting the better, and the latter the worse quality. The bulk of the trousers trade in these lower grades, and the worse classes of the coat and vest trade, are in the hands of Gentile women working at home.¶ There is great subdivision of the work.¶¶

The great rival of the home workers, as distinguished from those employed by a sweater, is the provincial factory where women are employed. These factories are located in garrison towns or in railroad centres, where there are a great number of women, wives of soldiers and railroad men, who overcrowd the local market for women's work, and are consequently ready to work for the factory at very low wages.\*\* The only branch of the

\* See testimony of Alfred Jordan Hollingford (wholesale clothier, exporter, and retailer), 9421-9435, 9540, 4436-7; Lyons (tailor, journalist, and reformer), 1847-50.

† Burnett, 17229; Index, i., "Tailoring Trade," i. and ii. See Miss Potter's account of this trade in "Labor and Life of the People," i. pp. 209-240, which is substantially confirmed by the witnesses before the Commission.

‡ Index, i. pp. 409-411; *e. g.*, Nichols & Co., of Regent Street.

§ Index, ii., "Tailoring" (291) and pp. 409-411 *et seq.*; *e. g.*, Macqueen & Co. and Hollington

¶ See Index, i., "Tailoring Trade."

¶¶ Index, i. p. 433.

\*\* "Labor and Life," etc., ii. p. 316. See below, p. 118, on comparative advantages of factory and "sweat-shop." Burnett, *ij.* p. 571. If the factory were cutting out the "sweater" as well as the home worker, the problem would be solving itself; but that is not generally the

clothing business in England in which there is any foreign competition is the juvenile clothing trade.\* This is chiefly in the hands of German sweaters and women home workers, and the competition is chiefly from Germany.

The above is a rough description of the tailoring trade in London, but it is not quite true that even the best class of work is done entirely on the premises of the tailor who sells the clothes. It was shown during the inquiry that some of the best West End firms, including Poole,† had, to some extent, given out their work to be made up by sweaters;‡ and it seems to be the case that the Jew sweater is getting a larger and larger part of the trade.§ Sometimes subcontract practically exists upon the premises of the large firm, a foreman being paid so much a garment.||

Before going into the questions of wages, hours, and sanitation, I will give a brief description of the organization of some of the other trades in which the evils complained of exist. In the chain and nail trade¶ there is a middleman, or sweater, very much as in the tailoring trade, who takes contracts and manufactures in his own shop, and sometimes sublets to a "staller," who, however, is not a home worker, but hires space in the sweater's shop.\*\* They have also a middleman without a shop,†† as in the tailoring trade. The nuts and bolts trade is similarly organized.‡‡ In the cutlery trade at Sheffield they have so-called "little masters," to whom the large masters let rooms in their own buildings, with steam power.§§ Also, as in the tailoring trade, there are out-workers who work directly for the large firm without the intervention of a middleman.|||

case. The factory is a rival of the sweater in the provinces, but not in London. C. Booth, 307, 309, 345; Mark Moses, 890; Index, i., "Tailoring Trade," xxv. (124, 125, 126), lvii. (257); Compton, 10555-7. Factories beating sweaters *generally*. Miss Potter, 3299; "Labor and Life," etc., ii. p. 316. But see Miss Potter, in "Labor and Life," etc., i. p. 232. In the boot trade, owing to the introduction of American machinery, the factory is more likely to win. Plateau (a manufacturer), 10073-84, 10132, 10144. See Schloss's article, *Fortnightly*, April, 1890, p. 548.

\* Miss Potter, in "Labor and Life," etc., i. p. 235; and Potter, 3300, 3301.

† Index, i. p. 457. "Tailoring Trade" (286-8), citing uncontradicted and circumstantial evidence of Myor Wilchinski.

‡ Index, ii. p. 457 (272) (Nichols & Co.), and see preceding note. So in "Labor and Life," etc., ii. p. 315.

§ Burnett, ii. p. 570; Potter, in article above cited.

|| Index, i. pp. 407-411 (Nichols & Co.). And sometimes the chief machinist in the sweat-shop will make a similar contract with his employer. Louis Lyons (tailor), 1827-8. (Sweater on manufacturer's premises in boot trade. Schloss, "Labor and Life," i. p. 275.)

¶ Index, ii. pp. 138, 139.

\*\* Juggins, 17688-90.

†† Final Report, p. xxvi.

‡‡ Index, ii. p. 161.

§§ Uttley, 24710 *et seq.*

||| See Index, i., "Middleman," ii.

The boot trade is organized almost exactly like the tailoring trade,\* and in it the evils seem to be the greatest.

In the cabinet and upholstery trade, of which great complaint was made in the inquiry,† the characteristic seems to be that the small masters,‡ — “garret masters,” as they are called,— do not in general work on material furnished by others, but make and sell their product themselves,§ sometimes direct to the customer, hawking it around,|| sometimes getting orders from the large factory,¶ just as any factory may manufacture on orders, supplying their own raw material, and sometimes making their goods on speculation and selling them to whatever big dealer will buy them.\*\* There are also in the cabinet trade journeymen who take the job on contract on the master’s premises.††

In the engineering trade, Mr. Burnett, Labor Correspondent for the Board of Trade, formerly Secretary of the Amalgamated Society of Engineers, testified ‡‡ that it was at one time common for a man to take a contract for setting up a steam-engine or the like, and to hire men to do the job under him; but the society struck against this arrangement, and now the work is still taken on contract, but the wages are divided proportionally among those who do the work.

In the shirt trade the common arrangement is for some one to take a contract at so much a dozen, sometimes cutting the shirts himself, sometimes not, and giving them out to be sewed.§§

The system in the fur-making and water-proofing trades and in mantle-making is much the same as in the tailoring trade.|||

\* See Index, i. pp. 41, 42. In the boot trade there are masters who sell direct to customer. So in nail trade. Miss Potter, *Nineteenth Century*, June, 1890, p. 888.

† See Index, i., “Arnold Henry White.”

‡ See Baum, 3083.

§ See Index, i. pp. 84, 85, 93, 94; Schloss, *Fortnightly*, April, 1890, p. 543.

|| Index, i. p. 85; Potter, *Nineteenth Century*, June, 1890, p. 888.

¶ Index, i. pp. 86 and 99; and “Cabinet Trade,” xvi., and 3080, 3081 (Baum).

\*\* Index, i. pp. 86 and 99; Maple, 6154; Index, i. p. 300 (4).

†† Lebus, 7762-5, 7768, 7775, 7780-1.

‡‡ 17311.

§§ See evidence of Mrs. Dwelly, Index, i. p. 413 (23).

||| See Index, i.; Index, ii. p. 264; Platt, 31114-5.

## EXTENT.

In regard to the number of people employed under the various conditions investigated, the report gives no figures of much value.\*

The number employed in the "sweated" portion of the tailoring trade in London, such as I have described it, was about 18,000 in 1888, of whom about 15,000 were in East London and Hackney, in the employ of about 2,000 sweaters.

## WAGES.

To return to the conditions obtaining in the tailoring trade as carried on in the homes and small workshops in London, the matter of wages is a very hard one upon which to make any general statement. The wages paid different individuals are not alike in any two cases,† and the variations are still greater between the amounts as testified to by the different witnesses. They are generally day wages, not by the piece;‡ but the more driving employers insist on a certain stint.§

Perhaps the best general statement of wages in this branch of the tailoring trade in East London is Miss Potter's,|| taken with the caution which she gives of allowing for the time during which the worker is idle, and for the fact that beginners get nothing at all, because they do not know the trade. Miss Potter's estimate is that, "excluding the general hand of the domestic slop-

\*The Amalgamated Society of Tailors in 1883 made the total number of tailors "under the sweating system" in London 15,000 (Burnett's report in House of Lords Report, ii. p. 570 *et seq.*); and Mr. Burnett thinks that in 1888 it was 18,000 to 20,000, and that there are at least 2,000 sweaters in the East End. Mr. Booth ("Labor and Life," etc., i. pp. 239, 180, 181) gives the whole number of tailors' shops in the whole East End of London in 1888 as 1,272, exclusive of "a large number of domestic workshops occasionally employing outside labor." I calculate the number of workers in these 1,272 shops as 9,000. Mr. Booth gives the total number of tailors in East London and Hackney in 1881 at 15,674.

Mr. Laxeman gives the following list of trades that are carried on in people's houses: "Mantle-making is largely carried on in people's houses, as are also the ostrich-feather making, fancy-box making, umbrella-making, artificial flower making, collar-making, buttonhole-making, portmanteau-making, trousers and vest making, and knickerbocker-making."

† Burnett, ii. p. 572. Mr. Burnett reports that in thirty cases which he carefully investigated women machinists got from 1s. 8d. to 6s. a day, and in ten cases women basters got from 2s. 10d. to 4s. 6d. See Index, i., "Tailoring Trade," pp. 478-487.

‡ Burnett, ii. p. 572; Miss Potter, "Labor and Life," etc., p. 221.

§ Miss Potter, *ibid.*, p. 221. In New York a "day" has no reference to time, but means a certain amount of work, say 10 coats.

|| Labor and Life, etc., i. pp. 223-225.

shop," in the East End coat-making trade  $4\frac{1}{2}d.$  per hour for men and  $2\frac{1}{2}d.$  per hour for women "is the low-water mark of ordinary but mature labor," and that a greener takes three months to one year to learn. The all-round hand of the slop-shop is learning nothing, and will never rise above  $1s. 6d.$  a day, and often gets less than  $1s.$  for twelve hours' work.  $9d.$  an hour for men and  $6d.$  for women is the high-water mark of exceptional skill.

In the large shops competent labor gets from four to four and a half days' work per week. With medium shops and average labor it is three days per week, and the great majority of permanently unskilled and untrained workers get but two and a half days' work per week on the average.\*

#### HOURS.

In regard to the hours of work there is not, perhaps, as much variation as in the matter of wages. Sifting the evidence and taking what the more reliable witnesses say, it seems that in the busy season the hours average fourteen a day for five days in the week, sometimes twelve hours another day, with a long day on Thursday and no work on Saturday.† The irregularity of employ-

\* In the tailoring trade the men's wages, according to Mr. Burnett (Appendix No. 2, vol. ii. of Report, p. 544), run from  $10s.$  to  $2s. 6d.$  a day. The women occasionally make  $6s.$  a day, but the average is "very low." The committee, in their Report (p. 5), say that prices (meaning wages) are lower for garments than they used to be, but that they cannot make up their mind whether or not it is owing to the introduction of machinery. See also Final Report, "Conclusions and Recommendations," section 176. "Sweated" boot-makers get  $12s.$  to  $14s.$  a week (Schloss, in "Labor and Life," etc., i. p. 260). Wages of home work, see, for instance, "Labor and Life," etc., ii. pp. 317, 318. Wages are slightly worse in boot trade than in tailoring trade ("sweated" portions), because less skill required, Schloss, *Fortnightly*, April, 1890, p. 847. For comparison of wages of home workers and of those employed by small contractors or sweaters see below, "Subcontract." See also "Wages," Index, i. and ii., especially ii. pp. 259-265, and Index, i., "Tailoring Trade," pp. 478-487, giving an elaborate table of the evidence.

† Rev. William Adamson, vicar of Old Ford, testifies that he has known them to work twenty-two hours, and fifteen is not exceptional (2625). The witness, Plattman, had worked forty hours at a stretch (2072-5). Mr. Stephany, Secretary of the Jewish Board of Guardians, says (157, 162) that fourteen hours and, again, that thirteen hours is an ordinary day's work. Mr. Adler (155, 156), deputy chief rabbi, says that eighteen hours is an ordinary day in the boot trade; and Rev. L. L. Alexander says (5367, p. 524) twelve and fourteen, but that they are two days idle in the week, so that the week averages ten hours a day of work (5740). See also table giving summary of testimony as to hours in the tailoring trade, pp. 449, 450, vol. i. of Index; "Labor and Life," etc., i. p. 490. Hours in the boot trade are about the same. See, e.g., Schloss, "Labor and Life," etc., i. pp. 276, 247, 289-293, 252, 260. Hours of well-paid journeyman tailors are usually twelve; often, however, fourteen to sixteen. "Labor and Life," etc., ii. 309.

ment is one of the great evils of the trade, and increases as you go down in the scale.\*

#### SANITARY CONDITION.

The sanitary condition of these places, of course, varies very much; but there is abundant evidence that it is very much worse than it should be permitted to be in a great many cases.

The following description by Lakeman, one of the factory inspectors, gives some idea of the dirt and clutter found in some of the small domestic shops:—

Q.†—"Could you explain to the committee the general sanitary conditions you found in these 1,478 houses you visited?"

"The habits of these people are very dirty, and they seem almost to revel in dirt rather than in cleanliness." He finds "a very revolting state of things in regard to sanitation. . . . Going into some workshops, you find a filthy bed on which the garments which are made are laid; little children lying down in all forms [*sic*],—perfectly naked little things lying about the floor, and on the beds frying-pans and all sorts of dirty utensils, with food of various description on the bed, under the bed, over the bed, everywhere; clothing hanging on a line, ashes all flying about, and the atmosphere so dense that you get ill after a night's work there. . . . I have tested the atmosphere of these rooms many times, and found it 95."

Thinks the previous evidence "not at all too black," even including that of Lyons,‡ the most emphatic witness against the sweaters. He says in regard to the "lowest grade of sweating":

"If I were asked my opinion as to what I think of it as to sanitation, I should say it is more deplorable in many instances than tongue can describe."§ The sanitary arrangements are often defective and often insufficient.||

\**E.g.*, "Labor and Life of the People," ii. pp. 305, 306, referring to the well-paid tailoring work. Same, i. 488, speaking of the small-master system. Final Report (House of Lords), iv. sect. 6. They are out of work for weeks together; *e.g.*, Potter, "Labor and Life," etc., i. p. 225. Larger "sweaters" better in this respect, same.

† 16650. Compare Rev. James Munro (Congregational minister, Bethnal Green, aided in writing "The Bitter Cry of Outcast London"), 1367.

‡ 16797-9; *cf.* 1788.

§ 16799.

|| See Index, i., "Tailoring Trade," xxxvi., one water-closet for fifty persons of both sexes is the worst case cited; Schloes, *Fortnightly*, April, 1890, p. 548, 60 per cent. of the sanitation is unlawfully bad. See James Ball Lakeman (factory inspector), 16552, 16706 and following, and



In regard to overcrowding, there is a mass of testimony, the upshot of which is that very much too little cubic space of air is allowed.\* I find reliable evidence that it goes as low as about 60 cubic feet per person, whereas it seems that a fair allowance is 500 feet to a person, accounting every gas-jet, when lighted, as equivalent to three persons.†

The ventilation, too, is often defective,‡ and the shops are often overheated.§

There is a conflict of testimony in regard to insufficient light.||

The evidence seems to be that the conditions as regards sanitary arrangements and lack of air are the worst in the small domestic shops,¶ and fairly good in the large shops.\*\*

17168-82; Index, i., "Tailoring Trade," xxxiv. and following; "Labor and Life of the People," ii. p. 313; and Index, ii., "Sanitation." There is abundant testimony on this point. Sanitary condition not always bad, however. Rev. Dr. Hermann Adler (delegate chief rabbi, exercising all duties of chief rabbi since 1876), 5740. There is, upon the other hand, some evidence that the regular West End and city tailors' shops are worse, because of the higher rents. Moes, 8781-4.

\* See Index, i., "Tailoring Trade," xl., for general testimony that shops are "overcrowded" and that they are not. The testimony is strongest against the Jewish home workshop, and comes from such different sources as Lakeman, Edward Squire, M.D. (physician to the North London Hospital for Consumptives), 17404, Lyons, Miss Potter, and Sir Lionel Lindo Alexander (Honorary Secretary Jewish Board of Guardians), 5377; cf. Miss Potter, in "Labor and Life," etc., i. p. 221. The large shops are better in London in this respect also. Sir Lionel Lindo Alexander, 5377; Squire, 17404. The boot trade is worse for overcrowding. Sir L. L. Alexander, 5377, p. 528; cf. Mr. Schloss, in "Labor and Life of the People," p. 289 *et seq.* See also Index, i., "Boot Trade," x.; Lakeman, 15739; Hoffman (foreman in shoe-shop, then employed by *Shoe and Leather Record*), 1052, 1058-9, 1103, 1104; Flatau (boot manufacturer), 10077, 10150; Adler, 5740, p. 563.

A few children are employed finishing boots. Index, i., "Boot Trade," xxix. (186, 187). I have found no evidence of their being employed in tailoring.

The testimony as to overcrowding is weak in figures. The worst I have found is 52 cubic feet per person, allowing eight feet for height unspecified; Burnett, ii. 572. Squire gives a case of about 160 (17412), Lyons of 130 (1790), and also a case of 43½, but proved on measurement by Lakeman to contain 350 per person, or 233, if as many workers were there as Lyons said. William Cook (Alderman, Birmingham, member of Health Committee, visits shops, former M.P.) gives average in small domestic shops in Birmingham about 250 to 300 cubic feet (27582), the range from 448 to 178 cubic feet per person (27553), not over 5 per cent. under 200 (27581).

† Squire, 17441-3, 17412. 600 are allowed in barracks. Squire, 17409.

‡ Rev. H. Adler, 5740; and a good deal of testimony from others. See Index, i., "Tailoring Trade," xxxix. The windows are often rotten, so that they stick and won't open. Squire, 17413.

§ So say many witnesses. Index, i., "Tailoring Trade," xxxviii. It must be so, because fires are needed three days in the week for the irons used in pressing.

|| See Index, i., "Tailoring Trade," xxxvii.

¶ George P. Bate, M.D. (medical officer of health for St. Matthew's, Bethnal Green, for fourteen years, certifying factory surgeon), 31884; Index, i., "Tailoring Trade," xxxiv. and following; Sir L. L. Alexander, 5377; Charles Booth, in "Labor and Life," etc., i. p. 490; Miss Potter, *ibid.*, p. 220; Edward M'Leod (President West London District Amalgamated Society Journeymen Tailors), 8217-18, 8220.

\*\* Index, i., "Tailoring Trade," xxxiv. and following; Hon. Robert Wellesey Grosvenor (Chairman Army and Navy Co-operative Society), 10646-50; Miss Potter, in "Labor and Life,"

The Lords express their opinion that, "where sweating exists in other trades and localities than those inquired into, the system is of the same character and produces similar results."\*

So much for description of the conditions. The evils found consist in low wages, long hours, and bad sanitary conditions; and there are also some moral evils of which the system is accused of being the cause, which I shall deal with later.

There is no use in denying the gravity of these evils, although it is Miss Potter's opinion that, so far as the Jews are concerned, they are gradually rising in spite of them. The evils being admitted, the most interesting question is in regard to the cause.

#### SUBCONTRACT.†

##### *Is Subcontract an Evil?*

One cause to which many people attribute the evils to be found under the so-called sweating system is the existence of subcontract. Indeed, some people consider subcontracting and the sweating system coextensive and synonymous. Whether or not it may be coextensive with the sweating system is a question of words, but I am not able to agree that subcontracting is an evil.‡ I have not space to go at length into an argument from the facts, but the thing has been done so thoroughly already by Mr. David F. Schloss that it is unnecessary for any one else to go over the ground. In Mr. Schloss's article in the *Fortnightly* for April, 1890,§ he has shown us (1) that a great many kinds of work, some of it

etc., i. p. 220; Sir L. L. Alexander, 5377; Burnett, ii. 572; Booth, in "Labor and Life," etc., p. 497. In the provinces, however, the smaller sweaters' shops, not in dwelling-houses, some times compare favorably with the larger ones and with the regular tailors' shops. See Index, ii., "Sanitation." (a) As to dirt, Edward Pugh (member of a visiting committee of the Tailors Amalgamated Society in Birmingham), 27054. (b) As to sanitation, Charles C. W. Hoare (superintending inspector of factories for Scotland and North of England), 27160. (c) As to ventilation McLaughlin (ex-President of Scottish National Operative Tailors' Society), 25553. (d) As to overcrowding (cf. ventilation), McLaughlin, 25553; *contra*, William Cook, note (\*), p. 114; Richmond, 28408 *et seq.* (e) In general, high-class tailors the worst, Henry Sylvester Richmond (seventeen years factory inspector in Liverpool), 28408; cf. Davis (factory inspector in Sheffield), 29046. The trouble is in shops in dwelling-houses. George Sedgwick (factory inspector, Glasgow), 26504; Pugh, 27009.

\* Final Report, iii. p. 2.

† Almost exactly the same line of argument as the one here presented is followed in the *Spectator*, 67, 1648, Dec. 3, 1887. See also Miss Potter, *Nineteenth Century*, June, 1890.

‡ Cf. Charles Booth, in "Labor and Life," etc., i. pp. 485, 496.

§ Vol. liii. p. 532 *et seq.*; cf. also Mr. Schloss's book, "Methods of Industrial Remuneration."

very highly paid, are done under the system of subcontract, quoting as an instance Mr. Brassey's testimony that the canal men who worked under the subcontract system were better paid than those who did not, and that almost all railroad work is done under subcontract, and very much more testimony to the same effect. "The contract system," he quotes Mr. Charles Booth as saying, "applies almost throughout the industry of England." (2) He has shown us that even in the so-called sweated industries, as, for instance, in the boot trade, some of the best paid work, as well as some of the worst paid, is done under precisely the same system of subcontracting. He thus shows that subcontracting does not necessarily produce low wages. He further shows (3) that very low wages indeed are paid in industries where there is no subcontract, and (4) that the worst wages in the so-called sweated industries are received not by those who work under the subcontract system, but by those who work directly for the parties who sell the goods.\* The very worst paid work in the tailoring trade of East London is that of the poor Gentile women working at home directly for the small East End slop-shops which sell directly to the customer, while subcontract characterizes the "top stratum" of the coat trade.†

So far as the comparative method can be applied to political economy, Mr. Schloss has maintained his case, that subcontracting is not an evil; but it may be said that the comparative method is not wholly satisfactory for the reason that no two workers are exactly alike, and therefore that proof by comparing one with another is impossible; that the prosperous workers under subcontract, cited by Mr. Schloss, have not been shown to be precisely

\*Cf. the cabinet and upholstery trade, above described, one of the industries in which the evils are much complained of as a part of the sweating system (see Index, i., "Cabinet Trade," "Maple"), and in which subcontract is the exception, as stated above.

† Cf. Miss Potter's account of the so-called "Tally-men," in "Labor and Life," etc., i. p. 236; see *ibid.*, pp. 236-239; Index, i. p. 438 (88). So Hawes (Manager of Women's Co-operative Association, Limited, formerly employing tailor), 1884, sweater next best to factory; so, also, workers in New York tell me; Clara E. Collett, "Labor and Life," etc., p. 451, *contra*. The cases cited by Mr. Schloss, except where the subcontracts he cites were taken by the men themselves and not by an employer, bear equally strongly against the theory that it is the middleman that is to blame. Just what a middleman is does not seem to be fully agreed; but, whatever he is, he seems, at all events, to necessarily be a person coming between the laborer and the consumer, and he is therefore reduced to a minimum in the case cited of the tally-men of the East End, and to be partly eliminated in the cases where poor Gentile women work directly for a slop-shop or other selling firm. These are the worst paid and most wretched of the class employed in the so-called "sweated" industries. If the middleman were to blame for the evils of the "sweating system," those evils would hardly be the greatest under conditions rendered very exceptional by his absence. See Miss Potter, *Nineteenth Century*, June, 1890, p. 887 *et seq.*

like any other workers of exactly equal prosperity, and that therefore it has not been shown that such workers might not have been more prosperous if they had not been working under that system.

The nearest we can come to having one man at one and the same time working under two different systems, which is the only comparison that would be thoroughly satisfactory, is where we have the same man working first under the one and then under the other. This we have to some extent in the tailoring trade, where there has been an intermediate contractor between the "sweater" and the selling firm, and where this intermediate contractor has subsequently dropped out. Where this has occurred, we have the testimony of one who has dabbled more or less in the sweating business himself, that the saving goes not to the worker, but to the firm which dispenses with the middleman.\*

If we abandon the comparative method and argue *a priori* on the subject, no reason, it seems to me, can be alleged why the person who makes his goods on contract for somebody else, whether he is a conservative mill treasurer or a small Jew sweater, should have any greater desire or any greater ability to force down wages than the man who sells his goods himself to the customer or than the large manufacturer or other producer who sells to the retail or wholesale house. Whatever theory we hold of what determines the rate of wages,—whether it is the "law of supply and demand," or some direct and *quasi*-miraculous operation of his standard of living on a man's wages, or whether it depends partly or entirely on the laborer's ability to bring pressure to bear on the employer, and the employer's desire and ability to reciprocate,—I cannot see how the fact of that employer working under contract for another should put the worker into any worse position or the employer into any better one as regards the bargain between them. Nor can I see how the employer's not finding his own raw material can affect the question.

One argument used to show that subcontracting, where it does exist, must force down wages is that each subcontractor must get something out of it, and "therefore," as he does get something out of it, that "something" must come out of the laborer. The same argument would go to show that all expenses of transportation must come out of the laborer, and the abolition of our

\*Munro, 1387-9. Miss Potter, "Labor and Life," etc., i. pp. 229 and 236, 237, *accord*. The result, Miss Potter tells us, of the disappearance of the old contractor between firm and "sweater" has been a cut of 25 to 50 per cent. in retail prices. Probably the advantage goes first to the firm, then to the consumer.

railroads might be urged on the ground that they beat down the earnings of the Western farmer. Undoubtedly, every expense in the production of any article does in one way hurt the workingman employed in the production of that article, inasmuch as it adds to the price, and thereby tends to diminish the amount of the article which will be bought by the consumer. But the subcontractor does not add to the expense of production, unless he is a more expensive connecting link between the worker and the customer than some other which might be supplied in his place. If, on the contrary, the subcontractor is the best connecting link that can be invented, he, by the same argument, not only does not decrease the wages of the worker, but increases them by taking the place of some less economical contrivance which would otherwise stand between the laborer and his market. It, therefore, behooves those who attack subcontracting upon this ground to show that in cases where it exists some more economical plan might be adopted in its place.

It is not possible here to argue at length the various economic advantages and disadvantages of the system of subcontract as it exists in the tailoring and other "sweated" trades. Among the claimed advantages are:—

1. The organization of a mass of unskilled labor very difficult to organize.\*
2. Employment of people who cannot go far from their homes to a factory, or the like, as in the case of women with families of small children.
3. Saving of rent and other fixed charges of factory, especially important in the tailoring trade, owing to the great rush in that business which arises from its dependence upon the seasons and the weather.†
4. Escaping the factory laws.
5. Putting off buying material, and so saving interest and storage room, and lessening the danger of misjudging the market.

The chief economic disadvantage is, of course, paying the wages and profits of the subcontractor.

\* On comparative advantages of sweating and factory systems see Index, i., "Tailoring," xxv. (124) (126); Rev. R. C. Billing, 5052; Sir L. L. Alexander, 5365, pp. 524, 525; William John Compton (owning two successful factories in the country), 10490, 10497, 10555-7; Charles Booth, 309, 345; Moses, 8790; Billing, 5052, 5158; Hawes, 1468-72, 1483-4; Wilchinski, 4014; Giffen's figures, showing great increase in export of "slop" clothing, especially from London, 1868-1888, in iv. p. 608; Arthur A. Baumann, M.P., *National Review*, November, 1888, p. 151.

† See Index, i. p. 453.

It is to be noted that the first and second of these economic advantages is also a great benefit to the laborer.

But, though subcontracting as such may have but little apparent relation to the question of wages, it may, as a matter of fact, be found to promote other conditions, favorable or otherwise, to the laborer.

Among the conditions which might be thought unfavorable to the laborer which subcontract tends to promote are the following: First, the immediate director of the laborer is more apt to have an interest in getting the work done cheaply,\* and is therefore more apt to resort to all sorts of methods, good and bad, to get it done. Second, the employer under this system is apt to be of lower social standing, and otherwise less in the eye of the world than the large manufacturer, less under the semi-socialistic jurisdiction of public opinion,† and therefore more at liberty to force down wages, if he is in other respects able to do so.

The first objection seems, at first sight, to have some force; but the opinion of those best able to judge is that it is not, upon the whole, an objection, but a recommendation. Labor of the class of most of that here in question is better for the supervision of some one having an interest in getting the most work out of it. These people could not earn so good a living as they do without the stimulus of pecuniarily interested supervision.‡

Subcontract has, as a matter of fact, been the means of bringing an enormous amount of employment to a great number of very poor people. Whether this result could have been as effectually and rapidly accomplished without it is problematical.

In regard to freedom from public criticism it does undoubtedly give an opportunity for abuse. But the power to use that opportunity is far less in the thousands of small contractors each trying to get ahead of the other than is the case with the great monopoly which deals direct with its employees in a remote district or with a purchased immunity from newspaper reports and criticisms; and, moreover, in the case of the small contractor, such immunity is, at

\* More apt to, but does not necessarily. A subcontractor may of course employ a foreman,— may, indeed, be a large manufacturer himself, perhaps doing a larger business than the firm for which he works; or the labor may be done at home.

† Cf. Miss Potter, in *Nineteenth Century*, June, 1890, pp. 889-891.

‡ See Mr. Schloss, quoted below, on the necessity of such supervision: "A dash of absolutism is a *sine qua non* to success" in employing this class. See Moses, 8784, 9090-2; Reay, 21494.

the very least, offset to some extent by the social equality and mutual understanding between master and man.\*

Subcontract, also, it is charged, by facilitating employment in the home and in the small shop, prevents the laborers from being brought together, as in the large factory, and thus is less favorable to organization.† This is certainly an evil, as far as it goes.

These evils — lack of publicity and the separation of the workers — are, of course, far from being peculiar to cases where there is subcontract. The farm, the small shop, all industry on a small scale, and, to some extent, all home industry, are open to the same objections.

The evils charged, in short, are often absent where there is subcontract, still more often present where there is not subcontract, and can, therefore, if we have any ingenuity in shaping our remedy, be probably more effectively attacked in some other way than by attacking that form of bargain.

I have assumed in discussing this question that we know exactly what we mean by the term "subcontract"; but I think it would be found, if we were to decide that it is an evil, and to attempt to abolish it by legislation, that it would be extremely difficult to so frame our law that it would prevent what we wished to prevent and not also forbid a great many transactions which everybody would regard as innocent and desirable.

#### OPPRESSION BY THE SWEATER.

In close connection with this theory that subcontracting is the great evil of the sweating system is the accusation that the sweater (that is, the small employer under the conditions described at the outset of this paper) oppresses his help.

If oppression is taken to imply an interference with a person's liberty to do and to be done by as he pleases within proper bounds,‡ I think accusation has but little foundation in anything disclosed before the House of Lords Commission.

There is evidence of the workers being afraid to testify before the Commission,§ and other general testimony of their being

\* See note (1), p. 121, on social equality of sweater and his employees.

† For instance, Miss Potter, in *Nineteenth Century*, p. 892.

‡ Such interference as that by the sweater in Kingsley's novel, "Alton Locke," for instance.

§ Index, i., "Tailoring Trade," lxxiii.

frightened.\* There are also many general statements that the workers are "crushed," "oppressed," "made slaves of," and the like;† but I find no evidence of the use of force,‡ and but little evidence of the use of any other means of intimidation§ except the fear of dismissal.¶ Nor is there, I believe, any evidence of the employers getting power over these people by getting them in debt or the like, and using such power tyrannically.¶ There is no evidence of any attempt to prevent others from offering them employment, nor to prevent them from seeking it for themselves, nor otherwise to interfere with their selling their labor for as high a price as it will bring.

It is said that the men are kept in ignorance of the language\*\* and of the business,†† but I can form for myself no very definite idea of what keeping a man in ignorance of the language consists in. Undoubtedly, the sweater refrains from teaching language, except incidentally. A man who works fifteen hours a day (for he must work a little longer than his men) ‡‡ cannot be expected to run a school of language in addition to his other duties. But it does not appear that the "keeping in ignorance" goes beyond this negative sort. The most interesting evidence which we have in the matter of the language used and permitted in the sweating shops is Miss Potter's testimony that, when the work is scarce, the sweater swears at the men, and, when the work is plenty, the men swear at the sweater.§§ The employer whose men swear at him is probably not able to dictate, to any great extent, what language shall be used for the purpose.

\* Frederick Samuel Miers (boot manufacturer for ten years), 4251, 4256-7, 4299; James Walker, 31508.

† "Oppressed" and "crushed," etc., Index, i., "Boot Trade" (92); Miers, 4359, "harshly used"; Index, i., "Tailoring Trade," lxxiii.; James Walker, 31512.

‡ I have searched under every heading in the Index I could conceive of as referring to oppression, and found nothing to contradict this statement.

§ By swearing. See Index, i., Maple, xii., *not by sweater*, however, but by foreman in a large shop.

¶ Fear of dismissal prevents joining union, Index, i., "Boot Trade" (117); prevents complaints, Lyons, 1801; prevents giving evidence, Index, i., "Tailoring Trade," lxxiii. I think we should all agree that such a use of the ability to employ or not employ a man is improper, whether or not we class it as oppression.

¶ Such evidence against landlords is given by Rev. R. C. Billing, 5048, p. 494. See L. Alexander, 5456-5463.

\*\* Frederick Samuel Miers, 4251.

†† Miers, 4252; Billing, 5067-8.

‡‡ Cf. a case cited by Mr. Schloss, in "Labor and Life of the People," 1. p. 293.

§§ Cf. Mr. Booth's article, "Labor and Life," etc., p. 491: "They quarrel with that happy quality of tongue which leaves no sentiment to rankle unexpressed."



In regard to keeping them ignorant of the trade, it is probable that the sweater does not take pains to teach the men the trade any further than he finds convenient, but he can hardly have any power to prevent them from learning the trade if they have the desire and ability to do so. The sweaters themselves, of whom there are some 1,200 in the East End of London alone,\* are men who have learned whatever they know of the trade as *sweaters*.

To be balanced against such evidence as there is of oppression of the sort we have been considering, there is a great deal of evidence that the small sweaters (by far the more numerous class)† are upon terms of perfect social equality‡ and often of kindness § with their employees.

#### HARD BARGAINS.

But there is an abuse, short of oppression, of which employers may be guilty. They may take advantage of people's necessities to drive hard bargains with them, just as one might drive a hard bargain with a drowning man. How far is it the case that the "sweaters," so called (that is to say, the small employers above described), do take such advantage of the people whom they employ? There is no doubt of the wretched condition of many of these people and of the consequent pressure upon them to make an immediate bargain, and there is no doubt that the bargains they do make are for very low wages and very hard conditions of employment; but the question is how far these low wages and hard conditions of employment are the result of an unfair bargain, made possible because their wages are already low and their conditions of life hard, and how far they are the result of the industrial incompetence of the workers. It is, of course, extremely difficult to say, in the existing absence of any agreement as to what constitutes fair wages or a fair rate of profit, what we mean by an unfair bargain. I use the term to mean a bargain appreciably worse than the person could make if he had the requisite intelligence and ability, without making any great sacrifice, to hold off for a good price, so as to sell his labor for its full market value.|| This is the best idea I can form of what we mean

\* See p. 111 above.

† Above, p. 106.

‡ Booth, in "Labor and Life," etc., p. 491; note (§§) preceding page.

§ Burnett, ii. p. 572; Potter, 3357.

|| I assume that there is such a science as political economy and such a thing as full competitive price for labor of a given grade.

to-day by a hard bargain. I use the term in this sense, not attempting to go into the question whether full market value is the proper test of what a person ought to receive.\*

Here, again, the expressions which occur frequently in the testimony before the House of Lords Commission, as to "oppression," "slavery," and "grinding the faces of the poor," and also many expressions as to employers paying abominably low wages, are to a certain extent evidence that hard bargains are driven by the so-called sweaters. And there is plenty of evidence that large firms pit one sweater against another and beat them down, and that the sweaters pit one man against another and beat them down. But there is no very convincing evidence offered that the wages paid are usually below fair competitive rates.

*Inefficiency.*

The fact that the workers in many cases receive extremely low wages, sometimes not enough for a person to live on, is often used as an argument that their wages are not fair. The argument has no force whatever. It is contrary to what is a matter of common knowledge to assume that every man is capable of earning enough to live on. Most of these people come from Russia, where their fellow-countrymen have been starving to death during this last winter under an entirely different system of industry, in which they have tried to make their own living by cultivating the soil. The fact that a man is starving does not show that he is not being paid all the wages he can earn until we have shown that he is capable of earning a living.

I believe I am correct in stating that no attempt was made at the hearings to show that people of the same industrial grade and competence as the alleged victims of the sweating system were receiving good wages in other employments.†

Mr. Schloss has summarized the evidence in regard to the only witnesses brought up before the Commission as instances of the

\* Even if one considers the receipt of profits to be unfair or oppressive, the small sweater, at least, is even then an oppressor to a very slight extent. His plant costs him very little. (See notes below, p. 127.) All the rest of what he receives besides interest on some very small sum (say \$1 a year) is the wages of his labor (of superintendence and otherwise), and, according to the testimony of Mr. Schloss, who has been in the business, is not excessive as such wages.

† Mr. Schloss, however, holds that the witness Rosenberg was getting less than such a man could properly earn (*Fortnightly*, April, 1890, p. 536), and is inclined to think that the same is true of a large proportion of West End workers (same, p. 537), and it would be *a fortiori* of the workers of the East End.

very low wages paid in the East End of London. He points out that each of them was laboring under some disability — weak eyes, a large family of small children, or some other disadvantage — which prevented their doing a good day's work.\* There is, besides, a great mass of evidence throughout the whole report tending to show that it is the unskilled workers who receive low wages, that there is a strong demand and good wages for skilled workers, and that wages vary in very close gradations in proportion to the skill of the worker.† We are not, therefore, driven to believe that these people are oppressed, in order to account for their low wages.‡

*Sweaters' Profits Small.*

Again, it is evident that, if the wages of these people are lower than they ought to be, it is not because the sweater is making exorbitant profits.

The best way to find out whether the sweater is making exorbitant profits, by forcing wages down or otherwise, is to go into the business and compete with him. If it is his large profits that keep wages down, it is possible to go in, make a reasonable profit, and put wages up. This experiment has been tried several times, and has never succeeded.§

Mr. Schloss, who, with others, furnished capital to one of these experiments || which proved unsuccessful, is quoted as writing: — ¶

"It might be thought that, by the adoption of co-operative methods money which would otherwise be unfairly pocketed by

\* *Fortnightly*, April, 1890, pp. 534, 535. See also the testimony, quoted below, of philanthropists who have been in the sweating business.

† For instance, Lakeman, 16594, 17132; Index, i., "Tailoring Trade," xcii.-xcvii.; Final Report, xxii. (as to boot trade); same, "Conclusions and Recommendations," pp. 180, 181, 185; Schloss, in "Labor and Life," etc., i. p. 275; Miss Potter, same, p. 234; Hollington, 9463. Miss Potter says of the home workers (3321) that outdoor work is very irresponsible and very bad, so that the employers have to take it out in one way or another. "The evil is in inverse ratio to the skill" (Schloss, *Fortnightly*, December, 1887, p. 848; see also Schloss, *Fortnightly*, April, 1890, p. 535, following). The coincidence of incompetence and low wages does not of itself show that the incompetence causes the low wages. With incompetence at working goes incompetence at organizing and at bargaining, and it might be that hard bargains added to poor work in producing the result (see Schloss, *Fortnightly*, December, 1887, pp. 835-844). But the result does not in such a case *prove* that the bargains were hard or unfair.

‡ Charles Booth (376) thinks the low wages "to no important extent" due to any "artificial or exceptional cause."

§ Schloss, *Fortnightly*, December, 1887, p. 845, either collapse or else receive charity in money, orders, or unpaid work.

|| Working Tailors' Association, Limited.

¶ Moses, 8784, quoting *Charity Organization Review* of January, 1888.

the sweater would be secured for the workers who would work under a foreman, and divide with him in just proportion the price obtained for the products of the labor of all. But we find in the very cases in which the pay of the workers is lowest the profits of the sweater exceed the remuneration of the employees of equal capacity by a sum so small as to constitute merely a reasonable reward of his superintendence, while at the same time it is doubtful whether any mere foreman could be relied upon to manage successfully a workshop in which the employees were of the type found in the 'dens' of the majority of the workers. The lower the quality of the work, the greater the necessity for careful supervision and for a certain degree of despotism: it is only the highly skilled workman who can be implicitly trusted to do a fair day's work for a fair day's wages without requiring to be incessantly superintended and not infrequently coerced."

Another more successful experiment was begun just at the time of the House of Lords enquiry in April, 1888, by Rev. James Munro and others. It was the outgrowth of tailoring factories which had been started in the East End two years before.\* These factories had sold sewing-machines twenty-five per cent. cheaper than was usual,\* and the Rev. James Munro claims † that they pay higher prices than the sweaters. He gives the wages they pay to the different workers, and I have compared them with the figures found by Mr. Burnett to be paid in the shop of Mr. Moses and elsewhere. I find that, according to these figures, the philanthropic experiment paid rather lower wages than the average.‡ They are paying no interest,§ and are showing a small profit || which is not distributed.¶

Mr. William James Walker started an experiment in shirt-making, paying his own expenses and handing over the entire sum received from his shirts to the workers. "I find," he says,\*\* "that

\* Rev. James Munro, 1373.

† 1385, 1394.

‡ They paid machinists 16s. and 18s. per week, basters 12s. per week, women pressers 12s. per week, hand sewers and finishers 10s. to 12s. per week (Munro, 1373). Moses pays women machinists 4s. 6d. and 3s. 9d. a day; women basters, or general "hands," an average of 2s. 10d. a day; lowest, 2s. 6d.; has no women pressers; women fellers, 2s. 6d. and 2s. a day (Burnett, 17255, 17258-61). The average found in 112 workshops daily visited by Burnett was: women machinists (30 cases), 1s. 8d. to 6s., with an average of 4s. 1d. per day; women basters (10 cases), 2s. 10d. to 4s. 6d., average 3s. 6d. per day (Burnett, 17242-3); yearly average lower (17344-5).

† Munro, 1373.

|| *Ibid.*, 1384.

¶ *Ibid.*, 1396. Mr. Munro concludes (1394), "I think it impossible that a scheme of this sort shall ever embrace [*sic*] the whole of the seamstresses of East London."

\*\* 31492.

the machinists, if they were clever, might make a living,— might earn ten shillings, twelve shillings, or even fifteen shillings a week, if they were clever and got full wages" (that is, got wages and profits and all),—"but that it was impossible for the finishers, who put on buttons and made buttonholes, to earn a living, even if they got the full wages the manufacturers paid."

A more extended experiment convinced Mr. Walker that tailoresses can make enough to live upon after paying expenses, but no dividends, but that shirt-makers cannot.\* "If shirt-makers should get every penny that the manufacturers pay,† they could not live on it." He says of the sweaters,‡ "I do not say they make an unfair profit in all cases: in some they may." He does not think§ that the middleman is making a tremendous lot of money in a short time.

Rev. R. C. Billing, rector of Spitalfields, testifies to an experiment he carried on for the Baroness Burdett-Coutts, in which they pay fair wages to good || seamstresses; but, he says,¶ it hardly meets expenses.

As for direct evidence that the profit made by the sweaters is not large, we have the testimony of Miss Potter\*\* and of Sir Lionel Lindo Alexander†† to that effect. Lewis Lyons, the most reckless‡‡ of the witnesses testifying against the sweaters, says that the small ones can hardly make a living.§§ Similar testimony is given by another worker, Plattman,||| a coat machinist. We have testimony by Miss Potter,¶¶ Lakeman,\*\*\* Burnett,††† and Mr. Schloss ‡‡‡ that some of the sweaters in the lowest class of work make less than their men. Mr. Burnett §§§ tells of a sweater who claims he was making nothing, and wished to show him his pawn tickets.|||| I think sweaters like Moses, with 20 hands and upwards, make large profits.¶¶¶ The testimony is, however, that

\* 31494, 31496.

† 31498.

‡ 31518.

§ 31537.

|| 5047.

¶ 5060.

\*\* 3399, 3272.

†† 5377, pp. 529, 530, 5413; and see Charles Solomon (sweater), 757, 763; Schloss, "Labor and Life," etc., i. pp. 261-264.

‡‡ See Lewis Lyons, Index, i.

§§ 1825.

||| 2047.

¶¶ 3397; "Labor and Life," etc., i. p. 231.

\*\*\* 16792.

††† 17233, 17328-9, 17336.

‡‡‡ Labor and Life, etc., i. p. 293; *Fortnightly*, April, 1890, p. 544.

§§§ 17232.

|||| There is much and conflicting testimony about sweaters' profits (see Index, i., "Tailoring Trade," lxvii.). The Lords say (p. xv.) that the "middleman" gets "about 50 per cent. of the gross sum he receives." I think the philanthropic experiments cited above afford the best evidence on the subject.

¶¶¶ Many witnesses; e.g., Lakeman, 16792; including the wages of superintendence of considerable ability; Schloss, *Fortnightly*, April, 1890, p. 544.

they are the ones who pay the highest wages: \* they are not the ones, therefore, that are responsible for the very low wages that are paid.

If one is not contented with the arguments from the facts, there is a strong *a priori* argument that the profits of the sweater cannot be very large. It takes but very little capital for him to start in business,† and, in the case of the small sweater, not a great deal of ability. It is difficult to believe that a business which can be so easily entered should continue for very long to offer exceptional advantages.‡

*Are Low Prices the Evil?*

Miss Potter affirms that the real sweater in these industries is not the small employer, but the consumer.§ The unfairness, according to her theory, is not as a question of wages and profits between employer and laborer, but as a question of prices between producer and consumer. I should prefer to call it unfairness as between different groups of producers, labor and capital engaged in producing one commodity contending through the medium of the respective prices of the commodities with labor and capital producing another.

Of unfairness of the above description no evidence whatever was offered. No attempt was made, as I have already stated, to show that people of the same degree of industrial competence as the "sweaters" were being paid better than they in other industries. There is, indeed, a certain amount of antecedent improbability in the theory that a large number of men and women, many of them belonging to the race having the greatest reputation for intelligence in money matters of any race in the world, remain in an employment in which they are systematically paid less than they earn,—less, that is, than they could get if they had the intelligence to sell their labor in the best market. Ricardo's treatment of political economy as an exact science has been, not without plausibility, attributed by Miss Potter to his being a Jew.¶ If political

\* Many witnesses; e.g., Potter, 3397-8; Schloss on Moses, *Fortnightly*, April, 1890, p. 536.

† *Id.*, Miss Potter, in "Labor and Life," etc., i. p. 232; *Id.*, Lyons, 1777; *cf.* White, 1323; *Id.* to *Id.*, Adamson, 2623, 2638.

‡ Great competition among sweaters,—a great deal of evidence; e.g., Burnett, ii. p. 571; Stephany, 2534; Price, 4200; Moses, 8790; Macqueen, 9379, 9396; Hollington, 9432; Burnett, 17243, 17306; Solomon, 757, 763.

§ Labor and Life, etc., i. p. 238.

Apparently, in "Labor and Life," etc., i. p. 571.

economy is ever an exact science, it is among a race in which the economic man is peculiarly predominant. Yet this theory supposes this race to be taking part in the economic miracle of voluntarily selling their labor at less than its market price.

*Conclusion as to Oppression.*

So it is my conclusion from a careful study of this report that it is not shown that the *sweatees* are sweated, if that means that they get less than the fair market price for their labor.

And yet it is my opinion that they do get less than the fair market price, that this economic miracle does occur, though not to any very great extent. So far as wages are the result, not of economic conditions, but of the industrial fighting ability of the persons concerned, it must be true that these people, with their almost entire lack of organization\* and their necessity of finding a speedy market for their labor, must suffer to some extent,—the more so because of the strong combinations, whether of labor or capital, which tend to keep up the prices of the commodities made by other groups of producers. The remedy, so far as this is the case, is to insist upon the right of every man to enter any trade he sees fit, whether certain other men desire to monopolize it or not, and in counter-combination. The desirability of combination furnishes one of the strongest arguments in favor of abolishing the small shop and the home workshop, where such combination is of course especially difficult.

It is worth while to point out, in conclusion, as regards this oft-repeated charge that the sweater is a tyrant and an oppressor:—

First, that the evidence shows his only method of oppression to be taking advantage of the force of competition. His only means of coercion, that is to say, is to offer to the workers better terms—terms in their opinion more attractive—than any others that are offered to them.

Second, that he could not offer better terms than he does without foregoing part of his own profits at customary rates or of his fair earnings.

And, lastly, that it is well to inquire, if the sweater is an oppressor, what shall be said of the rest of us? If the workers are driven to take his terms, it is because the rest of us have offered them either nothing or something worse. If he offers to save

\* Rev. R. C. Billing, 5048, p. 494; Sir L. L. Alexander, 5467; Index, i., "Jews," xviii.; "Labor and Life," etc., ii. p. 316; *ibid.*, i. pp. 233, 307, 308.

them from drowning upon harsh and oppressive conditions, and they accept these conditions, it is because the rest of us prefer to sit on the bank and see them drown without interfering in the matter at all.

I am far from contending that society has not a duty toward these people: I am strongly of the opinion that it has, wherever it can find any opportunity of helping them. But to pitch upon the only man who is giving them what little they can get at present — who is, in fact, offering them better terms than anybody else is willing to give them, as is proved by the fact of their taking these terms — as the man who is oppressing them, who is a slave-driver, etc., etc., seems to me a very easy and somewhat contemptible way of relieving our consciences.

#### THE GRIEVANCE.

The cause of the evils described above is not, then, to be found in "subcontract" nor in oppression by the sweater.

#### *Immigration.*

Nor is the cause to be found to any great extent, *in England*, in foreign immigration. There is a great mass of testimony as to the character of the immigrants and the effect they have produced,\* not all of it unfavorable. The amount of the immigration is thought to have been too slight for the effect charged to it,† and "is found to be absent in trades where the evils complained of abound."‡

What, then, are the causes of the evils complained of?

\* As to whether the Jews have chiefly driven others out of the ready-made clothing trade or have chiefly created this trade, see Index, i. p. 468; Moses, 8972; Sir L. L. Alexander, 5517, 5365, 5589 (p. 525); Burnett, i. p. 528; Lyons, 1770, 2018, 2030, 2035; especially Sir L. L. Alexander, 5377 (p. 529), and Giffen's statistics (above cited), iv. p. 608, on increase of exports of boots and clothing, — not very conclusive, as increased very fast before the heavy immigration. As to character of the Jewish immigration, see Miss Potter, in "Labor and Life of the People," i. pp. 579-589 and p. 225, and Booth, same, p. 495; Index, i., "Jews," "Immigration." As to their chastity, see Lakeman, 17125; Sir L. L. Alexander, 5373; Rev. R. C. Billing, 7918; White, 494, 470, 2274. The Jew is a "moral salamander," *Spectator*, Aug. 18, 1888. Their freedom from disease, Lakeman, 16653-8; and see note (f), next page.

† White (in the nature of an admission), 2284-5. Burnett thinks effect great, though number small, 17276-81, 17283, 17293, 17290.

‡ Adler, 5740 (p. 563); so Final Report, "Conclusions and Recommendations," p. 182.



*Usual Causes of Poverty.*

The House of Lords say in their Report after discussing several theories as to the cause: "With more truth it may be said the inefficiency of many of the lower class of workers, early marriages, and the tendency of the residuum of the population in large towns to form a helpless community, together with the low standard of life and the excessive supply of unskilled labor, are the chief factors in producing the sweater."\* But these phenomena are not peculiar to any set of industries: they are the usual causes of poverty wherever we find it. The problem they present is the general problem of poverty,—a wider subject than we have undertaken to deal with to-day. Must we, then, conclude that no cause of poverty is found in the so-called sweating system, that the conditions disclosed in this inquiry by the House of Lords Commission are wholly symptomatic, and in no degree the cause of the disease?

It is agreed that the low wages of the workers are due in great measure to their inefficiency. Has not our inquiry disclosed any conditions beyond the self-perpetuating tendency of poverty itself tending to produce such inefficiency?

*Weakening the Race.*

One such cause is to be found in the bad sanitary and hygienic conditions under which work is carried on in many work places of the sort I have described. Not very much evidence is given in the report of the Commission as to the evil effects of such conditions,† except some testimony (especially that of medical experts) in regard to consumption caused by working in the overcrowded

\* Final Report, "Conclusions and Recommendations," p. 185.

† There is some evidence given of the high infant mortality and the low vitality which obtain among the iron workers in the Cradley district; but how far these results are due to the system under which they work, and how far due simply to the lack of nourishment and of care which comes from their poverty, pure and simple, is not gone into. (See "Mortality," Index, ii.; Bassano, 22713, 22715; Adolphe Smith (Sanitary Commissioner of the *Lancet*), 22615, 22618-21, 22670, 22686-7; Index, i. p. 56, evidence of Rev. H. Rylett.) Sweated Jews do not deteriorate. Morris Stephany (Secretary Jewish Board of Guardians), 233; Miss Potter, "Labor and Life," etc., i. p. 234; L. L. Alexander, 5502-4; *contra*, White, 478; Solomon, 861; Rosenberg, 940. Rarity of disease among sweated Jews. Lakeman, 16653-8. In general: physical injury caused by sweating system, see the following note, on consumption; White, 427; Lyons, 1801, 1857; Squire (consumption from overcrowding), 17387 and following; "eventually you get a degeneration of the race," if you go on creating new cases of consumption, 17403; Fanny Eisenberger 2853; Woolf Zeitlin (Secretary Jewish Branch of Amalgamated Society of Tailors), 8106-9, 8122-4; *contra*, Mark Moses, 8823.

shops and in an atmosphere which is often full of steam from the use of hot irons in pressing.\*

But direct testimony is almost unnecessary in this matter. Ask any number of doctors what would be the effect on an individual and on his children of his working 14 hours a day 5 days in the week and 12 hours a sixth day for six months in the year, and doing hard work for part of the rest of the year, in a room in which there is but 200 cubic feet of air to a person, in which there is gas burning during the large part of the time in which the work is carried on after dark, which is sometimes occupied all night by the sweater and his family, sometimes also by the workers themselves, and in which the sanitary arrangements are extremely imperfect, and I do not believe there will be a very great variety in the answers obtained.

The results in such a case have not always even the somewhat grewsome advantage of strengthening the race by the process of the survival of the fittest. Undoubtedly, those who survive are the fittest to stand the strain, but their constitution is weakened. Troubles of the lungs, especially, do not simply either kill a person or leave him alone, but are apt to impair the general health and to leave to the person's children a weak constitution and a predisposition to the same disease.† We thus have, under perfectly free competition in rent-saving, a happy combination of the ferocity of the struggle for existence (without the exhilaration of the game as played under the good old-fashioned rules of our ancestors), with the additional feature that the race is weakened, and not strengthened, by the process.‡

#### INFECTION.

In this connection we may properly notice the argument of which the greatest use has been made in the agitation against the sweating system; namely, that infection is carried from house to house in the clothing made in dwelling-houses. I think the danger has been very much exaggerated. I have read, I believe,

\* See the *Lancet*, i. p. 175 (Report of the *Lancet* Sanitary Commission on the "Sweating System," 1876); Stephany, 234, 235; Bate, 31906. Dr. Squire, of the North London Hospital for Consumptives, testifies that from 1871 to 1888 of every 1,000 deaths in England and Wales, among males from twenty-five to sixty-five years old, 228 were from consumption, whereas among the tailors the number was 278 (being about 2 greater); and see Squire, 17427, 17394, 17398, 17341-3.

† Squire, 17387-17404.

‡ Not necessarily absolutely weakened (*cf.* Miss Potter's testimony, above cited, that the Jews, for instance, improve in spite of it), but, relatively, as compared with the results of moderately healthy conditions.

every scrap of evidence upon this point in the House of Lords Report, and have made some search through the medical journals for testimony of the same sort. I have been able to find but one reported case in which it seems to be definitely known that disease was carried in that way,—the case of the daughter of Sir Robert Peel.\* That was a case of a riding habit, and therefore probably made by the highest class labor,† not what is usually classed as “sweated” labor, though working at home.

Inability to trace a case directly to this cause does not, however, mean that the cause has been inoperative. “For instance,” as one witness says,‡ “in the last epidemic of small-pox at Sheffield it would have been practically impossible to say that this bit of cloth was infected and gave rise to such another case somewhere else, because the sources of infection were so wide-spread that it would have been, scientifically speaking, impossible to say such a thing as that.” “But,” the same witness continues, “what I did find on two or three occasions was the existence of small-pox in a house where such work was being carried on, and where there were no sufficient precautions taken to prevent the clothing becoming contaminated with small-pox infection.” There is much testimony by other witnesses of the existence of disease where clothing was being made,§ and, of course, where that is the case, danger exists, unless the proper authorities have notice of the danger and disinfect the clothing. There is a good deal of general testimony that disease is actually carried in this way.||

\* *Lancet*, i. p. 175 (1876).

† Index, i. p. 432.

‡ Theodore Thompson, M.B. (medical officer of health for Sheffield), 29013.

§ See Report of *Lancet* Sanitary Commission on the Sweating System, 1876, *Lancet*, i. p. 175; Squire, 17495 (*circa*); Charles C. W. Hoare (superintending inspector of factories Scotland and North of England), 27160 (p. 183), 26690-1; Woolf Zeitlin (Secretary Jewish Branch Amalgamated Society Tailors), 8070, 8071, small-pox case. *Quare* if truthful, see Moses, 8827; Thomas Gall (Secretary of Sheffield Branch Amalgamated Society of Tailors), 28447; Theodore Thompson, M.B. (medical officer of health, Sheffield), 29010-13, 29021. Clothes in process of manufacture used as bed-clothes, “when there is scarlet fever in the house,” White, 1354; as bed-clothes of child with measles, Munro, 1367; with small-pox, James C. Laird (tailor, President of the Trades Council for fourteen years), 26591.

|| George P. Bate, M.D., 31898-9, 31900, 31906 *et seq.*; Rev. William Adamson (vicar of Old Ford), 2588; Lyons, 3605, 3624; John Holley (President of the Amalgamated Society of Tailors, 15,000 members), 8267, 8288; James Henry Sweeney (boot-maker, organizer of Jew tailors), 30249. There is real danger from this source, Rev. R. C. Billing, 5196-7; James Burn Russell, M.D. (medical officer of health, Glasgow, sixteen to seventeen years), 26338-9; but “provision and milk-shops much worse,” George Sedgwick (factory inspector, Glasgow), 26440; Thompson (*supra*), 29010-13. Tailors’ trades-unions prevent member from working if disease is in his house, granting him pay meantime. (*Quare* for effect?) Edward Madden (Secretary of East London Branch of the Amalgamated Society of Tailors), 8003; James F. Quinn (President of Manchester Branch same society), 29767; James C. Laird, 26591. Army clothing discontinued

The remedy called for seems to be a thorough inspection based on a thorough system of notification of such cases; but, given such inspection, the remaining danger seems to me to constitute but a weak argument against a system of house industry. Every young doctor, I am informed, goes through each disease as he studies it; and the public undergoes somewhat the same experience when it learns of a single source of danger among the thousands to which it is exposed every day. The danger which we incur in riding in horse-cars is probably ten times as great as that arising from the manufacture of clothing in tenement houses in cities where there is an efficient Board of Health with due powers of inspection and for taking precautionary measures.\* Those who write upon the subject are very apt to assume that the mere presence of dirt and bad smells in itself makes a room a dangerous place in which to have clothing manufactured; but I am informed on excellent medical authority that a bad smell may be perfectly wholesome, and that dirt cannot produce scarlet fever and the other diseases in question, though it forms a favorable medium for their transmission. The argument has been pressed in the main, not by medical or health authorities, but by labor organizations.

### *Immorality.*

Another evil charged against the sweating system, of the existence of which there is some evidence, is that the mixing of the sexes in small, hot workrooms twelve to fifteen hours in the twenty-four is productive of immorality. There seems some reason to suppose, *a priori*, that the small shop is worse in this respect than the large factory. The direct evidence on the subject is not, how-

to outdoor hands, made in factory instead, chiefly for fear of infection, Mr. Geo. Dalhousie Ramsay, C.B., 11074-5. The danger of infection not great (evidence of no cases known and the like), see Lakeman, 16653, 16655; Alderman William Cook (of Birmingham, chairman of Health Committee), 27561; John Newhouse (chief sanitary inspector, Leeds), 30435; Andrew Thomas Rook (Superintendent Nuisance Department, Manchester), 29141, 29150-1; Ammon Platt (factory inspector, Manchester), 31055.

\* Mr. Schloss writes to me May 5, 1892: "I am an official member, appointed by the government, of the Metropolitan Asylums Board, the public authority dealing with infectious disease in London, and have been since 1887. At this moment we have a small-pox epidemic; and I am on the committee of the small-pox hospitals, which I visit, inquiring into the sources of the disease. So far I have not traced a single case to the sweating system. . . . In our last great fever epidemic the districts where the tailors work under the sweating system were just the least affected."

ever, very conclusive.\* And it is certain that there is an extraordinarily high average of chastity among the Jewish women.†

### *The Real Grievance.*

The real grievance disclosed in this inquiry of the House of Lords Commission, and we may say the real grievance of the "sweating system," is that certain industries, notably tailoring, are sometimes carried on in a way which tends to physically injure the race, with all that that implies.

### REMEDIES.

The great evil of the sweating system, then, is not that it is a system of slavery, or that the liberty of the workers is in any way interfered with, but that, on the contrary, too great liberty is allowed workers and employers as to conditions under which the work shall be carried on.

How this evil shall be remedied is a question I have not now time to go into at any great length. The principle is clear enough. Nobody will contend to-day that it is a sacred principle that people should be let alone. The State has as much interest in the mental, moral, and physical education of its citizens after the school age as before it. The question is, in regard to any proposed interference with liberty, whether in the given case freedom or regulation will tend to produce the better set of people in the long run. We have, in the present case, upon the one hand the great desirability of having the work carried on in a way which shall be healthy for the workers, and which will tend to produce a strong race of people, and not a race enfeebled by the excessive

\* That sweating system produces immorality: Rev. R. C. Billing, 5048 (p. 495), 5049, 5051, 5077, 5079, 7913, 7914-17; Lyons, 1788. White, 483, 1329 (p. 127), thinks so. Wilchinski, 3990-4072; Lakeman, 17125, 17135 (*contra* as to Jewesses, 17125, 17129); Homer (president of a chain-makers' society), 18368; Rev. Harold Rylett, of Dudley (chain and nail trade), 18481-2, 18488, 18490-2; Samuel Priest (chain-maker), 19395-7; Benjamin Hinckley, M.P. for North Worcestershire (chain and nail), 19395-7, 22471-2, but compare 22585; John George Reay (chain and nail manufacturer), 21428; *contra*, Rickarts (factory inspector), 31018-20, 30941; Adler (son and deputy of chief rabbi), 5740, p. 564; Alexander, 5373; Bassano (a magistrate in the Cradley district), 22742-54; Stephany (Secretary Jewish Board of Guardians), 239, 237, 242; George Green (in chain and nail trade), 21110; Charles C. W. Hoare (factory inspector, chain and nail), 23083, 23010; William Price (secretary of a chain and nail society), 20246; John George Reay (*supra*), 21428. And see a good summary of testimony on this point in Final Report, p. xxx. The committee "found nothing whatever to justify these imputations on the character of the people" (in the Cradley Heath district).

† See note on character of Jewish immigration.

strain of terribly long hours, lack of air, and bad sanitary conditions; and upon the other hand we have the danger of decreasing the earnings of the workers, and of putting up the price to the consumer.\* We have also, upon the side of non-interference, the certainty that legislation can never confine its effects to just the cases we wish to affect. It is absolutely certain to act unfairly and harshly in some cases. We have also, upon this side of the case, our inherited unwillingness to interfere with any man's liberty as to his choice of a way of making a living, and especially our unwillingness to interfere with him in his own home, whether he chooses to work in it or not,—an instinct rooted deep in our race by centuries of experience, the source of all that we value most in our history, not to be lightly disregarded or overruled.

It is to be said, however, that, unless we do regulate the work in the small workshops and in the home, we can hardly be said to have left the question alone. We have already regulated work in factories in such a way as to impose certain expenses upon it which would not otherwise exist.† If we do not also regulate the work which is not carried on in factories, the result of our regulation will be that we shall have driven some sorts of work out of the factories and into the small shop and the home.

Again, in regard to sanitary regulations, the thing to be got by legislation is of great value; and, in regard to the thing to be lost, one may doubt whether liberty to work under unhealthy conditions is an especially valuable possession. These people will not rise and revolt against bad drainage and bad ventilation. They rather voluntarily choose to submit to such things, if left to themselves.‡ Such liberty will never make them strong with struggling, nor do them any other service. This is a case where the doctor must be called in: the patient will never voluntarily cure himself.

In regard to the small shop, I think no reason can be given why it is not just as fit a subject for regulation as the factory. In regard to the home which is also used as a shop, there is a good deal more reason why it should be regulated than in the case of the factory. By introducing outsiders into his home and convert-

\* The rise in price would be slight (Schloss, *Fortnightly*, December, 1887, p. 856),—about threepence on a suit of the cheap sort.

† See *supra*, p. 118, concerning the saving of rent under the subcontract system.

‡ Miss Potter, in "Labor and Life," etc., i. pp. 562-574; Index, i., "Jews," xx.; Hoffman, 1103-4.

ing it into a work-room, the occupier has already surrendered the privacy which makes the home sacred ; and the results, both sanitary and moral, of the combination of home and factory are worse in degree than in any other class of cases we have been considering.\* In my opinion, the law would be justified in going to the extent (to which practical application of our present Massachusetts statute has already gone, in the class of cases to which it applies) of abolishing altogether the tenement-house workshop where more than the immediate family are employed.

Coming to the case where the family alone is working in their own home, I think here, again, the law has a right to regulate where more than the husband and wife are employed. If we refuse to regulate the matter where the other workers are children, I think we should find it surprising with what large families these people might sometimes be blessed. Moreover, the right of parents to work their children is not, it seems to me, a right of very great value to the community.

Where the husband and the wife alone are at work in the home, the regulation should simply be such as the Board of Health ought to enforce in any case, the fact of the home being used as a place of work being taken account of, along with the rest of the case, in deciding as to sufficient ventilation, etc.

Just how to frame laws so as to arrive at the desired result and go no further is a question which can only be entirely decided by trying experiments. I think the general view ought to be that whatever regulation seems best in the case of factories should also be extended to all workshops, including all cases where more than the husband and wife are employed ; and that the enforcement of this extended factory law ought to be in the hands of the factory inspectors, while the enforcement of the ordinary sanitary requirements ought to be in the hands of the Board of Health. I think, further, that whatever in the way of licensing, registration of work places, or a list of the people employed by the manufacturers will facilitate inspection, ought to be made compulsory by law. I do not believe it wise or desirable that the inspectors should be chosen from present or past members of trades-unions, particularly unions in the trades to be inspected. They would have too much inclination to "rub it in" to their old employers, the manufacturers ; and their employment would create an unneces-

\* See notes to "Sanitation" above. This particular point as to morals is not made in the Report, so far as I know ; but it is true.

sary amount of ill-feeling. We must be careful that we are not entrapped into simply legislating so as to deprive one class of people of their livelihood in order to forward the interests of another class.

I think, further, that the law should be as specific as possible in its requirements, leaving as little as possible to the discretion of the inspector,\* because it would be a great aid to the inspector if he is not obliged to take the responsibility of making as well as enforcing the necessary regulations, and because, furthermore, it will remove from the inspector a great temptation, not wholly unknown (it is said) to officials in the greatest city on this continent, to show a certain undesirable sort of "discretion" as to whom they shall regulate and whom they shall let alone.

As to national regulation, I believe it is extremely undesirable that the United States should interfere in a matter of this sort, so long as its interference is not absolutely necessary. The only reason for such interference that I have heard suggested is that, if a single State undertakes such regulation, it is in danger of losing the trade and driving it into other States whose laws are less exacting, and that the several States are therefore not likely to take up the subject effectively. This fear has not been realized hitherto; Massachusetts passed a law effectually regulating the matter before any other State had done so; and New York and Massachusetts and the City Ordinances of Chicago are now dealing with it, as it seems to me, with every prospect of eventual success, without the aid of any interference from the central government.

\* The factory law recently passed in New York is especially bad in this respect.



## LEGISLATION.—APPENDIX.

### I. THE MASSACHUSETTS LAW, CHAPTER 357, ACTS OF 1891, AS AMENDED BY CHAPTER 296, ACTS OF 1892.

#### *An Act to prevent the Manufacture and Sale of Clothing made in Unhealthy Places.*

SECTION 1. Whenever any house, room, or place used as a dwelling is also used for the purpose of carrying on any process of making, altering, repairing, or finishing for sale any ready-made coats, vests, trousers, overcoats, or any wearing apparel of any description whatsoever intended for sale, it shall, within the meaning of this act, be deemed a workshop: *provided, however*, that the exercise of such work in a private house or private room, by the family dwelling therein or by any of them, shall not of itself constitute such house or room a workshop within this definition; every such workshop shall be kept in a cleanly state and shall be subject to the provisions of this section, and each of said garments made, altered, repaired, or finished for sale in any of such workshops shall be subject to the inspection and examination of the inspectors of the district police, for the purpose of ascertaining whether said garments, or any of them, or any part or parts thereof, are in cleanly condition and free from vermin and every matter of an infectious and contagious nature; and every person so occupying or having control of any workshop as aforesaid shall, within fourteen days from the passage of this act or from the time of beginning work in any workshop as aforesaid, notify the chief of the district police or the special inspector appointed for that purpose of the location of such workshop, the nature of the work there carried on, and the number of persons therein employed; and every person finishing said garments or articles of wearing apparel in any room or place used as a dwelling as aforesaid shall, before beginning such work, procure a license approved by the chief of the district police, upon the recommendation of the inspectors especially appointed for the enforcement of the provisions of this act.

SECT. 2. If said inspector finds evidence of infectious disease present in any workshop, or in goods manufactured or in process of manufacture therein, he shall report the same to the chief of the district police, who shall then notify the State board of health to examine said workshop and the materials used therein, and if said board shall find said shop in an unhealthy condition, or the clothing and materials used therein to be unfit for use, said board shall issue such order or orders as the public safety may require.

SECT. 3. Whenever it shall be reported to said inspector, or to the chief of the district police, or to the State board of health, or

either of them, that ready-made coats, vests, trousers, overcoats, or any wearing apparel as mentioned in section one of this act, are being shipped to this Commonwealth, having previously been manufactured in whole or in part under unhealthy conditions, said inspector shall examine said goods and the condition of their manufacture, and if upon such examination said goods or any of them are found to contain vermin, or to have been made in improper places or under unhealthy conditions, he shall make report thereof to the State board of health, which board shall thereupon make such order or orders as the safety of the public shall require.

SECT. 4. Whoever knowingly sells or exposes for sale any ready-made coats, vests, trousers, overcoats, or any wearing apparel, which have been made in a tenement house used as a workshop, as specified in section one of this act, shall have affixed to each of said garments a tag or label, not less than two inches in length and one inch in width, upon which shall be legibly printed or written the words "tenement made" and the name of the State and the city or town where said garment or garments were made.

SECT. 5. No person shall sell or expose for sale any of said garments without a tag or label, as aforesaid, affixed thereto, nor shall sell or expose for sale any of said garments with a tag or label in any manner false or fraudulent, nor shall wilfully remove, alter, or destroy any such tag or label upon any of said garments when exposed for sale.

SECT. 6. The governor of the Commonwealth is hereby authorized to appoint two additional members of the inspection department of the district police force qualified to perform the duties of the members of such department.

SECT. 7. Whoever violates any of the provisions of this act shall forfeit for each offence not less than fifty dollars nor more than one hundred dollars. [*Approved May 28, 1891.*]

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The operation of the above law is a notable instance of what can be done by the administration of an innocent-looking law with the aid of public opinion. The effective features of the law are:—

I. That the chief of the district police, and the inspectors who carry it out, interpret it (incorrectly, perhaps) to make the work-places first described "workshops," under the general Massachusetts factory laws. The most important results of this interpretation are: (1) that separate water-closets are required for men and women; and (2) that the ten-hour law for women and minors under eighteen is brought to bear. The owners of tenement houses are seldom willing to go to the expense involved by the first of these requirements, and so an effective engine is brought to bear toward abolishing the tenement-house workshop.

II. The second effective provision of the law is the tag provision, Section 4. By means of this section the inspectors succeed in making the law as effective in regard to clothing made out of the State as for that made in it. Take, for example, the clothing sewed in New York. The inspectors go to New York, and find Boston clothing being made in a tenement-house shop (they know it, because they know the tags of every firm in Boston). One of them engages the Jew "sweater" in agreeable conversation, the other puts a private mark on that clothing. I have been shown the method, and can testify that it is easily done, hard to detect, and certain to identify the clothing. They wait till those coats are on the shelves of the Boston firm, and then send this notice :—

FORM No. 38.

IN THE SERVICE OF THE COMMONWEALTH.

DISTRICT POLICE.

DEPARTMENT OF INSPECTION OF FACTORIES, WORKSHOPS, AND  
PUBLIC BUILDINGS.

OFFICE, COMMONWEALTH BUILDING.

BOSTON, Oct. 15, 1892.

JOHN WHITE & Co., 300 Washington St.:

*Sir*,—In compliance with the provisions of the Statutes of the Commonwealth relating to the inspection of factories, workshops, and public buildings, on the eighth day of October, 1892, I inspected the tenement house No. 69 Christie Street, occupied by Isaac Levi, and used by him as a workshop; and you are hereby notified that ready-made garments were being made in said tenement house, used as a workshop by said Isaac Levi, for the firm of John White & Co., and that each of said garments should have affixed to it a tag or label as required by the provisions of Section 4, Chapter 357, Acts of 1891.

The dealer receiving it does not know which of his goods have been so found, having never seen nor heard of Isaac Levi, but dealing only with certain New York contractors. Rather than run the risk of paying \$50 a garment on an unknown amount of his stock, and of publicity in the matter, he is willing to concede much. He comes, or sends, or telephones to the district police-office, and asks, "Which ones?" As a condition of giving him this information, the inspectors exact a written promise that he will send no more clothing to the contractor who employed Levi. Then they tell him, and then, under this tag section, he has to tag

that lot of clothing "tenement-made" or sell it outside of Massachusetts. He chooses the latter alternative.

By this tag section tenement-house workshops in the sorts of work specified (Section 1) have virtually not existed in Boston since December, 1891; and the amount of clothing so made in New York for Boston has decreased, more being done in Boston and more down in Maine. Some New York sweaters have, in order to meet the law, moved from dirty rooms to dirty shops. Though the latter are in no way touched by the law, Boston clothing firms will refuse to receive their work, upon report and suggestion of the inspector.

III. The other effective feature of the law is the license provision (Section 1, end). Whether constitutional or not, this clause has the merit of accomplishing the purpose of putting a stop to home work in the very dirtiest of the homes (for it is to home work by the mother and daughter that it applies), and of having many of the homes made much more decent. It is equally important, perhaps, as giving a list, with the location, of the workers. The penalty (\$50 to \$100) is on the worker (Section 7); but the landlord is interested, because he does not want to lose a tenant, nor does he want a tenant earning nothing, and very many of the other possible tenants in his district are also sewing-women. It behooves him, therefore, to make his room pass muster as a place where sewing will be licensed. Besides, the law makes the sewing tenant keep the room decent; and it is therefore better worth while to make it so. Much, accordingly, is done in the way of lime-wash, paint, soap, floors mended, swill kept out doors, and the like. The pressure is brought on the sewing-woman to clean up, or to leave rooms that are not or cannot be cleaned up, not by the empty threat of a fine which she could not pay, but by threatening to take away her work. Her work can be taken away, because, if she were fined, there would be a trial: if there were a trial, it would get into the newspapers; and, if it got into the newspapers, the firm to which the goods belonged would be widely advertised as patronizing the dread "sweating system" in its most malignant form. Rather than suffer this, firms will, as under the tag section, promise to send no more goods to the contractor who gives them to the woman in question. When the contractor reforms, the ban is removed.

The method of licensing allows first a temporary license for thirty days. Then, as soon as the place can be inspected, the license

is either extended to give time for further amendment of house-keeping or a permanent license is given or else refused. Up to Oct. 6, 1892, 650 applications had been made, and 350 had been inspected. Of the 350, 200 had received permanent licenses, 90 had been refused permanent licenses, and 60 licenses temporarily extended, pending improvements. The great bulk of the refusals were for being dirty; *e. g.*, failure to lime-wash, and clean up, keeping swill in the room, etc.

The following conditions are printed both upon the permanent license and, as a timely notice, on the temporary license :—

- 1st. Absolute cleanliness of apartments and surroundings.
- 2d. No room or rooms used as sleeping apartments shall be used for the purpose of finishing any articles of wearing apparel intended for sale, nor shall any of such articles of wearing apparel while in process of finishing be allowed to remain therein.
- 3d. In case of removal, or in case of any contagious or infectious disease in the family of the person holding a license, or in any family residing in the same building, notice must be at once sent to the inspector of the district.
- 4th. No person or persons not members of the family shall be employed in finishing any such articles of wearing apparel intended for sale.

The inspection in Massachusetts is done by two men. The objection that I have made in the text against ex-members of tailors' organizations does not seem to be borne out by experience. I think, nevertheless, that, as a rule, the objection ought to stand.

## II. THE NEW YORK LAW

is found in two sections of the Factory Inspection Act (Chapter 409 of 1886, as amended by Chapter 673 of 1892), and in the whole Chapter 655 of 1892, which is this :—

### LAWS OF 1892, CHAPTER 655.

*An Act to preserve the Public Health and to regulate the Manufacture and Sale of Clothing, Wearing Apparel, and Other Articles in this State.*

[Approved by the Governor, May 17, 1892.]

SECTION 1. No room or rooms, apartment or apartments in any tenement or dwelling-house used for eating or sleeping purposes, shall be used for the manufacture, in whole or in part, of coats,

vests, trousers, knee-pants, overalls, cloaks, shirts, purses, feathers, artificial flowers, or cigars except by the immediate members of the family living therein. The term family as in this act provided shall be construed to mean a husband and wife and their children. Every such workshop shall be kept in a cleanly state, and shall be subject to the provisions of this section; and each of said articles made, altered, repaired, or finished in any of such workshops shall be subject to inspection and examination, as hereinafter provided, for the purpose of ascertaining whether said articles, or any of them, or any part thereof, are in cleanly condition and free from vermin and any matter of an infectious and contagious nature; and every person so occupying or having control of any workshop as aforesaid shall, within fourteen days from the passage of this act, or from the time of beginning work in any workshop as aforesaid, notify the board of health or a special inspector appointed for that purpose of the location of such workshop, the nature of the work there carried on, and the number of persons therein employed.

SECT. 2. If said inspector or board of health finds evidence of infectious or contagious diseases present in any workshop, or in goods manufactured or in process of manufacture therein, and if said board or inspector shall find said shop in an unhealthy condition, or the clothing and materials used therein to be unfit for use, or \* said board or inspector shall issue such order or orders as the public health may require, and the board of health are hereby enjoined to condemn and destroy all such infectious and contagious articles.

SECT. 3. Whenever it shall be reported to said inspector or to the board of health, or either of them, that coats, vests, trousers, knee-pants, overalls, cloaks, shirts, purses, feathers, artificial flowers, or cigars, are being transported to this State, having been previously manufactured in whole or in part under unhealthy conditions, said inspector shall examine said goods and the condition of their manufacture, and, if upon such examination said goods or any of them are found to contain vermin, or to have been made in improper places or under unhealthy conditions, he shall make report thereof to the board of health or inspector, which board or inspector shall thereupon make such order or orders as the public health shall require; and the board of health are hereby empowered to condemn and destroy all such articles.

SECT. 4. Whoever knowingly sells or exposes for sale any coats, vests, trousers, knee-pants, overalls, cloaks, shirts, purses, feathers, artificial flowers, or cigars which have been made in a tenement house used as a workshop, as specified in section one of this act, shall have affixed to each of said garments a tag or label, not less than two inches in length and one inch in width, upon which shall be legibly printed or written the name of the State and the city or town where said article or articles were made.

SECT. 5. No person shall sell or expose for sale any of said

\* So in the original.

articles without a tag or label, as aforesaid, affixed thereto, nor shall sell or expose for sale any of said articles with a tag or label in any manner false or fraudulent, nor shall wilfully remove, alter, or destroy any such tag or label upon any of said articles when exposed for sale.

SECT. 6. The mayor shall appoint a person or a number of persons whose duty it shall be to see that the provisions of this law are enforced, provided that no salary or emolument shall accrue to the person or persons so appointed by or on behalf of the State or any cities of the State. The person or persons appointed under the provisions of this law for the purpose of its enforcement shall have powers equal to the factory inspector or deputy factory inspector, as provided in chapter four hundred and nine of the laws of eighteen hundred and eighty-six.

SECT. 7. The board of health of any city or town in this State where coats, vests, trousers, knee-pants, overalls, cloaks, shirts, purses, feathers, artificial flowers, or cigars, are made, shall hereby grant permits to persons who have been found worthy upon inspection by the inspector or board of health, as in accordance with the provisions of this act.

SECT. 8. Any person or persons who shall manufacture or cause to be manufactured, or knowingly sell or exhibit for sale, any coats, vests, trousers, knee-pants, overalls, cloaks, shirts, purses, artificial flowers, or cigars, made wholly or in part in shops or factories who do not possess a permit, or whose shops or factories have been condemned by the person or persons appointed under this law to enforce its provisions, or any person or persons who shall violate any of the other provisions of this act, shall upon conviction be deemed guilty of a misdemeanor, punishable by a fine of not less than one hundred dollars nor more than five hundred dollars, or to imprisonment for not less than thirty days nor more than six months, or both such fine and imprisonment.

SECT. 9. This act shall take effect immediately.

The two sections of the Factory Law are these (13 and 13, as printed):—

SECT. 13. No room or rooms, apartment or apartments, in any tenement or dwelling-house, shall be used for the manufacture of coats, vests, trousers, knee-pants, overalls, cloaks, furs, fur trimmings, fur garments, shirts, purses, feathers, artificial flowers, or cigars, excepting by the immediate members of the family living therein. No person, firm, or corporation shall hire or employ any person to work in any one room or rooms, apartment or apartments, in any tenement or dwelling-house, or building in the rear of a tenement or dwelling-house, at making in whole or in part any coats, vests, trousers, knee-pants, fur, fur trimmings, fur garments, shirts, purses, feathers, artificial flowers, or cigars, without first obtaining a written permit from the Factory Inspector, Assistant

Factory Inspector, or a Deputy Factory Inspector, which permit may be revoked at any time the health of the community or of those employed therein may require it, and which permit shall not be granted until an inspection of such premises is made by the Factory Inspector, Assistant Factory Inspector, or a Deputy Factory Inspector, and the maximum number of persons allowed to be employed therein shall be stated in such permit. Such permit shall be framed and posted in a conspicuous place in the room or in one of the rooms to which it relates.

SECT. 13. Not less than two hundred and fifty cubic feet of air space shall be allowed for each person in any work-room where persons are employed during the hours between six o'clock in the morning and six o'clock in the evening, and not less than four hundred cubic feet of air space shall be provided for each person in any work-room where persons are employed between six o'clock in the evening and six o'clock in the morning. By a written permit the Factory Inspector, Assistant Factory Inspector, or a Deputy Factory Inspector, with the consent of the Factory Inspector, may allow persons to be employed in a room where there are less than four hundred cubic feet of air space for each person employed between six o'clock in the evening and six o'clock in the morning, provided such room is lighted by electricity at all times during such hours while persons are employed therein. There shall be sufficient means of ventilation provided in each work-room of every manufacturing establishment, and the Factory Inspector, Assistant Factory Inspector, and Deputy Factory Inspectors, under the direction of the Factory Inspector, shall notify the owner, agent, or lessee, in writing, to provide or cause to be provided ample and proper means of ventilating such work-room, and shall prosecute such owner, agent, or lessee if such notification be not complied with within twenty days of the service of such notice.

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### III. THE CHICAGO LAW, ETC.

The Chicago City Ordinance is as follows:—

#### (MISCELLANEOUS ORDINANCES OF CHICAGO.)

SECTION 1909. That no person, being the owner, proprietor, lessee, manager, or superintendent of any store, factory, workshop, or other structure or place of employment where workmen and workwomen are employed for wages, or shall cause, permit, or allow the same or any portion or apartment of or any room in said store, factory, workshop, or other structure or place of employment, to be overcrowded or inadequate, faulty, or insufficient in respect of ventilation and cleanliness, and in every such building or apartment or room in any such building, where one or more persons are employed as aforesaid, at least five hundred cubic



feet of air space shall be allowed to each and every person employed therein, and the air changed or renewed by ventilation at least once in every twenty minutes during the hours of employment.

SECT. 2058. . . . Fine not exceeding \$200 nor less than \$10 for each offence.

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For English legislation see Factory and Workshop Act of 1878 (41 and 42 Victoria, Chap. 16); Public Health Act 1875 (38 and 39 Victoria, Chap. 55); and 53 and 54 Victoria, Chaps. 34, 59, and 70; also the Factory and Workshop Act of 1891 (54 and 55 Victoria, Chap. 75) and the Public Health Act for London (54 and 55 Victoria, Chap. 76). Both the latter passed Aug. 5, 1891. An interesting piece of legislation is that of Victoria in Australia (41 Victoria, Chap. 16, § 68), which provides, among other things, (subsection 16) that the occupier of a factory or work-room, who has work done for the purposes of his factory or work-room elsewhere than in the same, must keep a list showing the name and address of, and the work done by, each of the workers. The inspector (and nobody else) must be allowed to see this list.

JOSEPH LEE.

BOSTON, October 6, 1892.

## THE GREAT COAL COMBINATION AND THE READING LEASES.

BY C. LA RUE MUNSON, OF WILLIAMSPORT, PENN.

[Read Thursday, Sept. 1, 1892.]

In February, 1892, to the surprise of railway and financial circles, an organization was consummated by which the Philadelphia & Reading Railroad, theretofore of but comparative strength, and confined within portions of Pennsylvania and New Jersey, became one of the foremost railroad systems of the United States, entering the field of transportation with present facilities and opportunities for future growth of traffic unexcelled among the great carriers of the Eastern States.

The Reading Railroad, as it is commonly known, operated a main line between Philadelphia and Pottsville, with a northern extension to Williamsport, traversing the prosperous valleys of the Schuylkill and Susquehanna Rivers, and, with its various branches in Pennsylvania and New Jersey, forming one of the two railroad arteries so materially assisting in the commercial prosperity of Philadelphia and the eastern portion of Pennsylvania. On Feb. 11, 1892, this company became the lessee, for the term of 999 years, of the Lehigh Valley Railroad, extending from Jersey City, in New York Harbor, and from Perth Amboy, on the Arthur Kill, through the State of New Jersey into Pennsylvania, traversing the Lehigh and Wyoming Valleys, filled with their wealth of iron, coal and other great commercial products, and through the populous territory of Western New York to Buffalo, the gateway to the Great Lakes, through which pours so much of the traffic of the Western States; obtaining at the same time the great fleet of lake boats owned by the Lehigh Valley Railroad Company, forming direct connection with the West, and also obtaining by this lease the terminals of that company at Fairhaven, on Lake Ontario. On the following day the Port Reading Railroad Company, a corporation of New Jersey and harmonious in management with the Philadelphia & Reading Railroad, leased, for a like term of 999 years, the Central Railroad of New Jersey, extending from Jersey City to Scranton, in Pennsylvania, and not only carrying the valuable coal and iron freights reached by its extensive rail-

ways, but through its eastern lines and branches covering a thickly settled portion of New Jersey, and daily pouring into the city of New York no small proportion of its active workers.

Thus the Reading system joins such great centres of distribution as New York, Philadelphia and Buffalo, with all the enormous population, and consequent volume of passenger and freight traffic reached by its lines and many branches between these points, while it also becomes the greatest coal-carrier in the world, and can convey no mean proportion of the products of the immense iron furnaces and mills of Pennsylvania, and, by means of its fleet of steamers on the lakes, of the great grain fields of the West. With its affiliations, particularly its control of the Poughkeepsie Bridge, it enters the markets of New England with unrivalled facilities; while, through its Southern connections, it becomes an active competitor for the traffic of that rapidly growing section.

While dull figures and dry statistics do not usually command willing auditors, the importance of the Reading organization can be best exhibited by some reference to such data. The Reading system now controls 5,583 miles of railroad; traverses a territory containing nearly ten millions of population; by means of 1,718 locomotives and 113,206 cars, annually carries forty millions of passengers, moves fifty millions of tons of freight, and earns about \$57,000,000; while, with its affiliated companies, it has a capital and indebtedness of \$511,000,000, and employs 83,960 wage-earners, among whom it annually distributes \$37,000,000, directly supporting more than four hundred thousand people.\*

These meagre statements convey some idea of the magnitude of

	<i>Capital.</i>	<i>Indebtedness.</i>
*P. & R. R.R. Co. . . . .	\$40,105,361.78	\$156,932,517.37
P. & R. Coal and Iron Co. . . . .	8,000,000.00	76,764,408.15
L. V. R. R. Co. . . . .	40,441,310.00	65,564,000.00
Lehigh Valley Coal Co. . . . .	650,000.00	500,000.00
C. R. R. of New Jersey . . . . .	22,412,000.00	45,280,822.00
Lehigh Coal & Navigation Co. . . . .	14,338,650.00	17,281,750.00
Lehigh & Wilkes Barre Coal Co. . . . .	9,212,500.00	12,527,222.40
	<u>\$135,159,821.78</u>	<u>\$375,840,719.92</u>

#### SUMMARY OF REPORTS FOR 1891.

	<i>Gross Earnings.</i>	<i>Passengers Carried.</i>	<i>Tons of Freight.</i>
P. & R. R.R. Co. . . . .	\$23,111,109.71	18,828,070	21,796,917
L. V. R. R. Co. . . . .	18,910,260.71	5,734,288	15,829,714
C. R. R. of New Jersey . . . . .	14,653,686.30	14,827,506	14,139,902
	<u>\$56,675,056.72</u>	<u>39,389,864</u>	<u>51,766,533</u>

the system, and impress us with its importance as a factor in the future prosperity of the populous territory reached by its extensive lines. Viewed from every standpoint, the Reading system must be considered as more than a matter of local interest; even more than a carrier of freight and passengers within the most thickly settled portion of the United States; but as well one of the means by which the great wealth and importance of the nation is augmented, and her people bound together by ties of common interest and mutual advancement.

These are days of great aggregations of capital and Titanic financial and commercial combinations. That which may be accomplished by consolidations and associations of reciprocal interests cannot be obtained, in a like degree of efficiency, through individual efforts, however well they may be directed or skilfully conducted. This is the key-note of our national organization, and is the mainspring by which our Union of States has advanced to her present commanding position among the family of the nations.


Nowhere is the power of obtaining the greatest good for the greatest number, particularly in the commercial way, better shown than in the combination of railway interests, by which corporations, weak in themselves and alone, are enabled, through a consolidation under one head and management, to accomplish results beneficial to themselves and to the public at large,—results absolutely beyond their reach when, as individual operators, they were striving to effectuate the objects of their creation. Many have not forgotten the difficulties and impediments in traffic existing when the various railroads, now making up the famous systems of the Pennsylvania and of the New York Central Railroad Companies, were operated as individual and independent corporations. These two railroads have become so necessary, in their present form, to the shippers and travellers in the territories they traverse that their relegation to their anterior organizations would cause, not only great inconvenience and loss to their patrons as well as to the public at large, but would be such a retrogradation in the forward progress of our advanced civilization as to be considered a national calamity. Men like Thomas A. Scott and Cornelius Vanderbilt, so largely instrumental in the organization of those great systems, were benefactors of the American people, creating conditions not only valuable then, but, as experience has proven, even more beneficial than they could have ever hoped. American history can point to no one element in the story of her progress

more productive of national benefit than the consolidation of her railway interests. There has been no exception to the invariable rule that the combination, or, in other words, the strengthening of her railways, has resulted in a benefit to her people. Through such means, more than any other, has the great West become a still greater West. Millions of acres of productive soil have furnished homes to millions of people; and vast areas of nature's wealth have been distributed, not only in our land, but as well to the far-off foreigner, through the facilities offered by railroads consolidated from minor lines, individually unable to open those fields of magnificent production and mines and forests of untold wealth.

It is this knowledge of the certain results of consolidation, favorable as well to the owners of their railroads as to the citizens directly reached by their lines, that prompted the Reading leases, and brought into one great system, powerful among its competitors, the magnificent railroad now commanding our attention.

It is well known that this organization was chiefly effected by one man, Mr. McLeod, the president of the Philadelphia and Reading Railroad Company, who has thus created a system of greater magnitude and usefulness than has heretofore been the fortune of any one person in this country, if not in the world. In passing, it might be of interest to add that not only did he succeed in bringing into one system more than five thousand miles of railroad and combining five hundred millions of capital, but his negotiations were carried on with such tact and ability that the leases were accomplished facts before any knowledge of his undertaking had become known in the great financial centres of Wall Street and Third Street, so much interested in its outcome, or even to the ubiquitous reporter. In this respect, alone, the Reading leases may be considered as one of the greatest financial feats, in an age when gigantic monetary combinations are so frequent, and when every happening, commercial, political, or social, has a publicity through the press almost contemporaneous with its occurrence.

The Reading leases have attracted still more attention through their supposed effect upon the anthracite coal market. That article of domestic consumption enters so generally into the cost of living, and directly affects so many people, that an association, asserted to be able to regulate its production and cost must, necessarily, be a subject of general interest.



It will not be irrelevant to make some reference to the magnitude of the coal trade and its future probabilities. In 1890 (the latest attainable figures) the world produced nearly 500,000,000 tons of coal, of which Great Britain mined 181,000,000, and the United States 140,000,000.\* In 1891 the United States produced 151,000,000 tons of coal, of which Pennsylvania mined 41,000,000 tons of anthracite and 36,000,000 tons of bituminous, or more than one-half of the entire output.†

While a small amount of anthracite coal is claimed for Colorado, it is so infinitesimal in proportion — being only 55,000 tons, or one-seventh of one per cent. of the whole production — that it makes no exception to the statement that the anthracite coal field is contained in parts of five counties of Pennsylvania, and, by a very careful geological survey, within an area of 488 square miles. This coal, first mined in the early part of this century, but in small quantities and by very crude methods, has developed into an enormous tonnage. Tables given below show the relative growth of the anthracite and bituminous coal trade, from which it will appear that during the past thirty years the consumption of the former has quintupled; while the tonnage of the latter is twenty

\* The world's product was: —

	<i>Tons.</i>		<i>Tons.</i>
Great Britain, . . . . .	181,614,288	Austria-Hungary,* . . . . .	24,000,000
United States, . . . . .	140,032,263	Russia,* . . . . .	5,000,000
Germany, . . . . .	87,590,457	Spain,* . . . . .	1,000,000
France, . . . . .	26,327,008	Nova Scotia,* . . . . .	2,000,000
Belgium, . . . . .	20,568,960	Other countries,* . . . . .	10,000,000
Total, . . . . .	498,129,976		

	<i>Tons.</i>		<i>Tons.</i>
† Pennsylvania { anthracite, . . . . .	41,572,350	Tennessee, . . . . .	2,750,000
{ bituminous, . . . . .	36,000,000	Wyoming, . . . . .	2,350,000
Illinois, . . . . .	13,000,000	Washington, . . . . .	1,800,000
Ohio, . . . . .	12,300,000	Indian Territory, . . . . .	1,000,000
West Virginia, . . . . .	6,200,000	New Mexico, . . . . .	800,000
Alabama, . . . . .	4,500,000	Arkansas, . . . . .	400,000
Iowa, . . . . .	4,000,000	Utah, . . . . .	390,000
Missouri, . . . . .	3,700,000	Texas, . . . . .	350,000
Colorado, . . . . .	3,600,000	Georgia, . . . . .	225,000
Maryland, . . . . .	3,420,000	Montana, . . . . .	170,000
Indiana, . . . . .	3,400,000	Dakotas, . . . . .	150,000
Virginia, . . . . .	3,000,000	California, . . . . .	90,000
Kentucky, . . . . .	2,879,082	Michigan, . . . . .	90,000
Kansas, . . . . .	2,750,000	Oregon, . . . . .	80,000
Total (gross tons), . . . . .	150,876,432		

\* Estimated.

times greater than in 1860, the population of the country having only doubled in the same period.\*

The soft, or bituminous, coal, being as effective for steam purposes as the anthracite, and much less expensive, has largely supplanted the hard coal for motive power and many other uses.† The latter, however, has rapidly grown in domestic consumption, until it has supplanted wood as a fuel in many remote and rural districts, where, until within a comparatively few years, its use had been quite unknown. This increase in the demand for anthracite coal has been brought about, in addition to the increase in population, by the decrease in the wood supply, by its better adaptation, through improved burners, to all domestic uses, and by the reduction in freight rates. Of the 41,000,000 tons marketed in 1891, Pennsylvania, New York and New Jersey consumed sixty per cent.; while the five cities of New York, Philadelphia, Chicago, Brooklyn and Boston burned one-fourth.

Large in consumption and low in price as has been this valuable deposit of nature, it is not to be forgotten that there are those now living who may see the field practically exhausted. Already more than 850,000,000 tons have been used, which, at the present tonnage and its natural increase, will reach at least 1,200,000,000 at the close of this century. A very careful computation of the available anthracite coal remaining unmined, made by a gentleman well able to express an opinion,‡ places the marketable deposit at less than 6,000,000,000 tons. This estimate, as he

	<i>Anthracite.</i>	<i>Bituminous.</i>	<i>Population.</i>
* 1850, . . . . .	2,999,017	3,814,951	23,191,876
1860, . . . . .	8,391,366	5,775,077	31,443,321
1870, . . . . .	13,985,959	17,190,415	38,558,371
1880, . . . . .	25,578,214	42,776,624	50,155,783
1890, . . . . .	35,865,174	103,650,233	62,622,250
1891, . . . . .	41,572,350	109,304,082	

† The Board of Trade of Scranton furnish statements of the cost of each fuel to do the same amount of work, namely:—

3,131 pounds bituminous coal, . . . . .	\$3.35
3,166 pounds coking bituminous, . . . . .	3.37
3,178 pounds anthracite coal, . . . . .	4.75

The following shows the growth in use of bituminous coal as a fuel in iron-making in the United States:—

	1881.	1891.
Tons iron made by bituminous coal and coke, . . . .	2,268,264	6,439,264
Tons iron made by anthracite coal and coke, . . . .	1,734,462	2,090,041
Tons iron made by charcoal, . . . . .	638,835	646,200
	4,641,564	9,273,455

‡ Mr. Joseph S. Harris, President Lehigh Coal & Navigation Company.

states, is very liberal, and is, probably, the maximum, as he has allowed for future improvements in mining, lessening the waste, burning smaller sizes, etc. But, while there may be anthracite coal mined at the end of another century, it is certain that the larger number of the mines will have been worked out at a much earlier period, and present valuable fields very much sooner exhausted. It is the opinion of many well informed on the subject that the end of a period of fifty years, or seventy-five at the latest, will find the anthracite coal a thing of the past, and no longer a factor in the vital question of fuel,—a question so vital that, while it may not affect us, it will be a serious matter for generations not far distant.

The last census shows a capital of more than \$161,000,000 invested in anthracite coal mining. This is certainly underestimated rather than overestimated, as four large mining companies, producing less than one-half the entire tonnage, alone have a capitalization, including indebtedness, of \$140,000,000. In this connection it may be added that the cost of opening a mine, prepared to deliver merchantable anthracite, equals two dollars on each ton of its capacity, and that future openings, by reason of deeper mining and improved plants, must be still more expensive.

It is at once apparent, from these statements, that the successful miner must not only market his coal at a price beyond its cost of production, but must also get out of his mine its original cost and the expenditure for his plant before his coal is exhausted. Costly drifts and shafts and expensive power stations and breakers, without coal, would be of but little worth. For reasons which we will presently discuss, the anthracite operator of the past few years, unless he occupied a peculiarly profitable location, has been far from a realization of such results. As already stated, the capital invested is large, and the cost and difficulties of mining very great; while the net prices at which his coal has been sold were very low. The royalties, or rent or interest upon his coal deposit, his pay-roll, and all the miners' expenses are virtually fixed charges; while the prices, owing to the strife among the sales agents of the large mining companies, have been anything but uniform and stable.

A glance at the anthracite field will give us the situation. The largest operator is the Philadelphia & Reading Coal & Iron Company, owning more than 100,000 acres of the territory, or one-third of the area, and at least one-half of the entire deposit. This



company employs 28,000 men, operates sixty-two collieries, and last year shipped nearly 8,000,000 tons, or one-fifth of the entire product. The Lehigh Valley Coal Company, with fifty-five collieries, directly, and through its lessees, marketed more than 4,500,000 tons; while the Lehigh & Wilkes Barre Coal Company and the Lehigh Coal & Navigation Company, operating twenty-three collieries, mined nearly 4,000,000 tons. These companies, closely allied with the railroads forming the Reading system, produced last year 16,000,000 tons of anthracite coal, or forty per cent. of the entire out-put.\* The remainder of the coal was mined by individual operators and by companies harmonious in management with the Delaware & Hudson Canal Company, the Delaware, Lackawanna & Western, the Pennsylvania, and other railroad companies. Annexed tables, showing the anthracite coal tonnage for 1891 of the various anthracite carriers, will give the situation still more accurately.†

These statements show that, although the railroads now forming the Reading system carried nearly fifty-five per cent. of the entire tonnage, this organization is far from being in absolute control of the product. Nor is it fair to assume that those railroads, before the present leases, were competitors either in transporting or marketing the coal, as it is apparent from the statements that their chief tonnage came from their allied mining companies, and the remainder from individual shippers, whose freights were governed by the location of their collieries on the different railroads; while

<i>Collieries. Tons mined, 1891.</i>		
* P. & R. Coal & Iron Company, . . . . .	62	7,962,716
Lehigh Valley Coal Company,* . . . . .	55	4,633,095
Lehigh & Wilkes Barre Coal Company, . . . . .	13	2,572,287
Lehigh Coal & Navigation Company, . . . . .	10	1,262,838
	140	16,430,956
<i>Carrier. Tons. Totals.</i>		
† Philadelphia & Reading Railroad Company, . . . . .	9,082,016	
Lehigh Valley Railroad Company, . . . . .	7,863,547	
Central Railroad of New Jersey, . . . . .	5,857,968	22,803,531
Pennsylvania Railway Company (with Penn. Coal Co.,	6,686,928	
Delaware, Lackawanna & Western Railroad Company,	6,198,049	
Delaware & Hudson Canal Company, . . . . .	3,939,918	
New York, Lake Erie & Western Railway Company, .	1,204,271	
New York, Ontario & Western Railroad Company, .	695,771	
Delaware, S. & S. Railway, . . . . .	43,882	18,768,819
		41,572,350

\* Including its lessees.

the competition in prices came from the mining companies and the individual shippers, who alone control the anthracite market and sales.

Many attempts had been made, prior to the present situation, to maintain uniform prices and to secure a production commensurate with the needs of the market. But such efforts had invariably proved ineffectual until, at last, it became a race between the sales agents to market all the coal possible, and at prices to insure a customer. The result was a large overproduction and low prices, with consequent loss to the miner. Anthracite coal, being chiefly used for domestic purposes, and increasing or decreasing in demand as the weather requires greater or less quantities, has of necessity peculiar limitations upon its consumption. During a short period of the year the market requires about four millions of tons per month. This out-put, continued without restriction throughout the year, would furnish a supply exceeding the demand by about ten millions of tons ; and, as the operators must be prepared in capacity to supply the maximum requirement,—the coal being delivered directly from the breakers to the cars,—the absence of mutual restriction would and did result in overstocking the market, thereby reducing the net prices to the miner below a fair profit, and in many instances causing positive losses. From this overproduction arose the opportunity of the middleman, who, by a judicious investment, was enabled to reap a handsome reward, reducing on the one hand the return to the producer, while on the other the consumer was unable to obtain little, if any, benefit from what would otherwise have been his gain. For a like reason there arose an inequality in prices at various points until in 1891, as it appears, the operator netted at tide-water—the chief market of over-supply and consequent competition—from fifteen to eighteen cents per ton less than at interior points nearer the source of production ; or, in other words, the consumer at places nearer the mines paid more for his coal than those living at a much greater distance. It is a well-known fact that the householders of Pennsylvania have of late been obliged to pay more for their coal than those living over a hundred miles more remote from the mines.

While it is impossible to obtain any accurate figures covering the whole field from which the profit upon anthracite coal to the miner may be ascertained, it has been stated on high authority that during 1891 it netted at tide-water from \$1.57 to \$1.74 per

ton, and at interior points from \$1.75 to \$1.92. Deducting from these figures, taking the average of \$1.65 and \$1.84 for each market, the cost of mining and delivering at breaker, amounting without royalties or interest on cost of the coal land to at least \$1.50 to \$1.70 per ton, there would be an apparent average profit of, say, 14 1-2 cents per ton, producing upon the tonnage of 1891 about \$6,000,000, or somewhat less than four per cent. upon the capital invested in the business. When we consider that during that year more than 40,000,000 tons of this wealth of the earth have been reduced to ashes, we can readily see that there has been a decided "squandering of the heritage." While the figures of profits we have given may be below those earned in favored localities, it is certain that they are much higher than were realized at many collieries; and we believe they represent a fair valuation of the profits of anthracite coal mining in 1891.

The operators have not been alone in failing to obtain their just deserts, for their miners have been very far from remuneratively employed. There are, according to statistics furnished by Pennsylvania's Department of Internal Affairs, about 110,000 employees in the anthracite mines. This means that half a million people are directly dependent for their living upon some uniform rate of wages and regular employment. In point of fact, owing to the want of some systematic operation of the mines to produce the requirements of the markets, the employment of the miners has been very irregular and desultory. If such a system in mining could be secured, there would be at least some regularity in their employment rather than spasmodic periods of activity followed by long weeks of idleness. Illustrative of the situation of the workman, a comparison of the reports of two of the largest mining companies, for 1891, will be in point. In one, six collieries were idle during the entire year, while the remainder were in operation but 147 days; the other enjoying the proportionate advantage of an average of 213 working days. Thus, omitting Sundays and holidays, the 5,500 miners in one company were idle 158 days; and the 28,000 in the other, 92 days. It is not difficult to imagine the distress caused these workmen and their families by these long periods of waiting for work, or to account for the many series of labor troubles in the anthracite coal regions of Pennsylvania.

The management of the Reading system and its affiliated coal companies, having such a large share in the production and trans-

portation of this coal, has announced its intention to do its part in bringing order out of this chaos, and of placing the business upon a basis productive of much better results, both to the operators and to their miners, as well as to its own shareholders. It proposes to accomplish those ends by these means : —

First. Reducing the cost of production by the adoption of improved methods in mining, consolidation of management and consequent lessening of the cost of that expense, the cessation of work at the expensive and more constant operation of the profitable collieries, and by bringing to an end former methods, resulting, through unwise management, in so much waste.

Second. Proper restriction in production, and consequent operation of the mines in harmony with the requirements of the markets.

Third. Bringing the coal to market more cheaply, through a unification of systems and management, whereby the traffic can be handled with more economy and regularity and without the requirement of so large a transportation equipment.

Fourth. Marketing more cheaply, eliminating not only rival and costly sales agents, but as well unnecessary middlemen, and thereby bringing the coal more directly to the consumer and at prices more fair and equalized than under former conditions.

It is relevant, in passing, to note that commercial affairs are yearly drawing the producer and consumer into closer relations. That such a result is advantageous to both is self-evident. The elimination of the jobber, or middleman, must, of necessity, serve to give the producer a higher profit and enable the consumer to purchase at lower prices. An examination of the anthracite coal trade shows that the dealer realizes about a dollar per ton over cost, from which is to be deducted only his expense of unloading, storing and delivering. But this cost is reduced by the gain he enjoys between the gross ton of 2,240 pounds, at which he buys, and the net ton of 2,000 pounds, at which he sells. While a portion of this difference may be lost in screening, there remains fully a profit of eight per cent. through this mode of measuring. In many places the dealer's charge per ton exceeds the dollar over its cost, reaching in some places, as was testified in an official examination, nearly double that amount. The present organization, working on its announced lines, will seek to equalize these conditions, leaving the market in its proper situation, practically, between the producer and the consumer, with, if need be, a fair profit to the dealer.

While much has been said of late upon the effect of the Reading leases as tending to advance the cost of anthracite coal, and as actually already causing such an increase, it must be remembered that the prices are still lower than those of five years ago, and that the late advance is one usually made at the season of the year it was adopted. With proper regard for the rights of the operator, who is certainly entitled to the cost of production and a fair return upon his invested capital, not to mention some remuneration for his rapidly diminishing property, it cannot be considered unjust if there should be some advance in prices, necessary to bring about such results, even if the profits of certain dealers are thereby reduced, or even if the consumer pays prices for his coal ruling under a management more systematic and equitable than has prevailed during the past five years.

It is absurd to assume that the effect of the Reading leases will be to extort unreasonable prices for anthracite coal by creating a monopoly driving out all competition; for it must not be forgotten that nearly 20,000,000 tons, or about one-half the market, are annually mined by interests far from identical with the Reading, and certainly in no manner within its control, while, yearly, 100,000,000 tons of bituminous coal, raised from mines and areas containing deposits of incalculable tonnage, stand at the door of the market, prepared to meet anthracite prices raised beyond fair returns to its operators. In short, there are limitations upon the price of anthracite coal absolutely beyond the reach of any combination or consolidation,—a limitation, through the bituminous coal, always preventing a monopoly in fuel, and which, indeed, may in time, with improved methods in its use, largely supplant its elder, but now weaker rival.

As is to be expected, the Reading leases have not only been followed by some adverse criticism, but legal proceedings have been instituted to set them aside. Three stockholders' bills have been filed in Pennsylvania and New Jersey, while the Attorneys-General of those States have instituted chancery proceedings to secure their annulment.

Of the actions instituted by stockholders, but one is of interest at this time, as it alone, of all the cases at issue, has reached any stage of decision. This cause, known as the Gummere case, arose on a bill filed in Northampton County, Pennsylvania, by three small stockholders in the Lehigh Valley Railroad Company, averring, in addition to the allegation of the unconstitutionality of the

leases, and that they should be declared void as contrary to public policy, that their effect was prejudicial to their interests as such stockholders. The plaintiffs' application for a preliminary injunction and for a receiver was met by affidavits of the defendants, answering the latter allegation and establishing very clearly much larger returns to the Lehigh Valley Railroad Company than under former conditions — its stockholders, under the lease to the Reading, being entitled to annual dividends of seven per cent. upon their holdings, an excess of two per cent. upon its declared earnings of the preceding five years, and one-half of all the surplus earnings of the lessee upon the leasehold — by showing very large gains in traffic since the operation of the lease, receipts from east-bound general merchandise alone being greater for four months of 1892, and since the lease, than in all of the preceding year, while the coal freights had returned in that period, as against the corresponding months of 1891, an increase of \$250,000. The motion, having been argued at length by distinguished lawyers, was denied by the court, in an able opinion, and became the first decision in these famous controversies. The other stockholders' bills, proceeding upon similar grounds, are still undetermined; but, so far as the Lehigh Valley Railroad Company is concerned, it may be taken as adjudicated, unless a different state of facts can be established upon final hearing, that the interests of its stockholders have not been injuriously affected by the Reading lease.

The bill of the Attorney-General of New Jersey, while alleging the creation of a monopoly in anthracite coal repugnant to public policy and detrimental to the interests of its citizens, seems to be chiefly based upon an averment of a violation of one of its statutes, prohibiting the leasing of a railroad of that State to a foreign corporation without the consent of its legislature. The defendants' answer, as appears from the record and affidavits, avers that the lessee of the Central Railroad of New Jersey is the Port Reading Railroad Company, not a foreign corporation, but created under the laws of New Jersey and operating a railroad wholly within its limits. It is also denied most strenuously that this company, lessee, is owned or controlled by the Philadelphia & Reading Railroad Company, although there may be harmony in the management of those companies.

Beyond question, the pending case concerning the Reading leases of the greatest importance is that commenced by the Attorney-General of Pennsylvania, in the name of the Commonwealth,

wherein it is alleged that those leases are repugnant to Section 4 of Article XVII. of its Constitution, which is in this language :—

No railroad, canal, or other corporation, or the lessees, purchasers, or managers of any railroad or canal corporation, shall consolidate the stock, property, or franchises of, or in any way control, any other railroad or canal corporation owning or having under its control a parallel or competing line.

The bill avers that the Lehigh Valley Railroad and the Lehigh and Susquehanna division of the Central Railroad of New Jersey are parallel for the entire length of that division, a distance of 105 miles, and that the Lehigh Valley and the Philadelphia & Reading Railroads are in the same situation over a route of 25 miles, while all the railroads now making up the Reading system have heretofore been competitors for freight and passenger traffic.

The answers to those allegations are these :—

First. It is denied that the Philadelphia & Reading Railroad Company has acquired the Lehigh & Susquehanna Railroad, or that it owns or controls the Port Reading Railroad Company, the lessee of that road, through its lessor, the Central Railroad of New Jersey.

Second. That any competition between the Lehigh Valley and the Lehigh & Susquehanna Railroads was in traffic originating in Pennsylvania and terminating beyond its limits, or *vice versa*, in respect whereunto the Constitution and laws of that State are inoperative.

Third. It is averred that the lease of the Lehigh Valley to the Philadelphia & Reading Railroad Company, consummated on Feb. 11, 1892, could not be affected by a subsequent lease of the Central Railroad of New Jersey (lessee of the Lehigh & Susquehanna Railroad) to the Port Reading Railroad Company.

Fourth. The defendants deny that the Philadelphia & Reading and the Lehigh Valley Railroads are parallel and competing lines within the spirit and meaning of the Constitution,—the former, being a railroad between Philadelphia and Williamsport, neither of which points are reached by the latter, which is a line extending from Buffalo to tide-water in New York Harbor, where the Reading Railroad had no connection, except over other and independent lines ; in short, that the main railroads of the two systems do not approach one another at any point, and that competition between them was wholly impractical and did not exist.

While there is a short branch of each of these railroads parallel for a distance of a few miles, it is averred, and apparently clearly shown by a number of affidavits, that they were only feeders to their respective main lines, and were not competitors for traffic. The statements accompanying these affidavits, bear out this position by showing that the entire gross receipts of the Lehigh Valley Company for transportation, other than coal, between the points on these parallel lines aggregated but \$8,000 in 1891, the larger volume of general merchandise traffic being shipped to those places from Philadelphia, which is not reached by the lines of that company. In coal freights the figures showing even apparent competition are still proportionately smaller. Out of 200 collieries delivering tonnage to these railroads, but one is reached by both lines; and that mined but 60,000 tons in 1891, out of nearly 17,000,000 tons carried in that year by both roads.\* This infinitesimal proportionate amount to the total tonnage, it is urged, does not bring these great railroads within the ban of the Constitution, as parallel and competing lines.

Fifth. It is further averred, in defence, that the lease between these railroads of Pennsylvania was expressly authorized by special and general acts of its General Assembly, thereby constituting a part of their charters, and, being anterior to the adoption of the present Constitution, even if repugnant to its language, their validity cannot be affected thereby, because it was not the intention or effect of the Constitution to impair or affect the operation of charters previously granted; or, if it was, that the Constitution is itself void, as being, in such case, in violation of that provision of the Constitution of the United States forbidding that any State shall pass any law impairing the obligation of contracts, the charter of a corporation being held to be a contract with the State.

Sixth. And, lastly, that the Constitution of Pennsylvania can have no effect upon the leases, so far as they relate to railroads of the lessors in New York and New Jersey, being subject-matter over which the Commonwealth of Pennsylvania has neither jurisdiction nor authority, as defined by the Constitution of the United

	<i>Anthracite coal tonnage, 1891.</i>	<i>From Mt. Carmel Colliery.</i>
* Philadelphia & Reading, . . . . .	9,082,016	36,283
Lehigh Valley, . . . . .	7,863,547	23,320
	<hr/> 16,945,563	<hr/> 59,603



States, providing that the sovereign power of each State shall be confined to, and not extend beyond, its territorial limits.

In the Gummere case, to which we have referred, the court, in refusing the plaintiffs' motion for a receiver and a preliminary injunction, said, touching the question of the violation of the Constitution : —

But the question that overshadows all others is whether the Lehigh Valley and Philadelphia & Reading Railroads are "parallel and competing," within the constitutional prohibition; and here let it be noticed that the question is not whether the Lehigh Valley and the Lehigh & Susquehanna Railroads are "parallel and competing." The validity of the lease in controversy must be determined by the status as it existed when the lease was made. At that time the Philadelphia & Reading Railroad Company had not acquired the lease of the Lehigh & Susquehanna Railroad, and its subsequent acquisition was *res inter alios acta* as to the Lehigh Valley Railroad Company, and could not affect the validity of the lease previously made by the latter company. Are, then, the Lehigh Valley and the Philadelphia & Reading Railroads so clearly and undisputably "parallel or competing," within the prohibition of the Constitution, that we ought at once to come to a conclusion here on that point? We think not. The question whether any two given railroads fall within the constitutional prohibition is a mixed question of law and of fact. In its legal aspect, the question is of the first impression. To the lay mind, accustomed to look to the letter only, it may be simple enough, but *qui hæret in letera hæret in cortice*; and to the lawyer, trained to regard the spirit as well as the letter of enactments, the question assumed larger proportions. It is safe to say that it will be set at rest only after the most exhaustive argument and the most deliberate and careful consideration by our Supreme Court; and then comes the question of fact, which it would simply be reckless to decline.

As to what will be the final outcome of these cases, it would be both premature and improper to now consider; but it is certain that the proper interpretation of the Constitution will be reached, and by reasoning forever determining the questions at issue.

The well-known cases of the South Penn and Beech Creek Railroads, sought to be leased to affiliated lines of the Pennsylvania Railroad Company, and prevented through the intervention of the Attorney-General, in the name of the Commonwealth, by the direction of its Executive, are hardly in point with the present issues, as there it was practically admitted — at least, it was not denied — that the railroads sought to be leased were parallel and competing lines

with the real lessor. In addition, the decisions were made upon motions for preliminary injunctions, without their full merits being reached, and concerning leases not executed in fact, and relating to roads merely projected, but partly finished and not in operation. Nor was there raised, in those cases, many of the issues of law and fact now to be adjudicated.

We have already seen how beneficial, if permitted to stand, will be the present arrangement to the anthracite operator and his employees; but it remains to view the question from a still broader standpoint. The great Commonwealth of Pennsylvania, rich in her vast internal wealth, is entitled to receive a fair return for her product of anthracite coal, heretofore so largely wasted in the haste of rival companies to find a market, irrespective of profit or the laws of supply and demand, while her manufacturers should not be required to buy this coal, lying at their doors, at higher prices than their competitors, whose remoteness from this fuel is more than compensated by their proximity to the larger markets of consumption.

But greater still — and this is of incalculable benefit to all her citizens — is the certain assurance, through the present Reading leases, of an organization so strong within itself as always to be an equal in traffic competition with Pennsylvania's other famous railroad system, thus giving her citizens the permanent advantage, without fear of monopoly, of two magnificent lines of rail, over which her vast wealth may find an outlet in constant competition with the products of her sister States,—lines of road competitive, aggressive, enterprising, and with managements second to none in the world, leading to a greater Pennsylvania, a greater Reading, and a still greater Commonwealth, advancing her to the position she so well deserves in the Union of the States, the Keystone, binding in one symmetrical arch the financial and commercial prosperity of our country.

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SARATOGA PAPERS OF 1890

PART I.  
SOCIAL ECONOMY PAPERS: THE SINGLE  
TAX DEBATE

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Its Presidents have been Prof. W. B. ROGERS, SAMUEL GEORGE WILLIAM CURTIS, President WOOLSEY, DAVID A. GILMAN, of Baltimore, Prof. WAYLAND, of Yale, EATON, of Marietta College, Hon. CARROLL D. WRIGHT, of the National Labor Bureau, and Hon. ANDREW D. WHITE, President of Cornell University, who now fills the office, its members, SAMUEL ELIOT, HENRY VILLARD, and F. B. SANBORN. It has members in nearly all sections of the United States, numbering about 300. Its object, stated briefly, is to encourage the study of the various relations, social and political, of man in life; to facilitate personal intercourse and the interchange of views between individuals interested in promoting educational, scientific, sanitary, charitable, and other social reforms and progress; and promptly to make known to the public theoretical or practical results which may flow from such studies or investigations. The Association has no funded property: its *regular* income is composed mainly of annual payments from members, which amount to less than \$1,200 *per annum*. It is thought the time has come when we may confidently appeal to the public interest felt in Social Science throughout the country for aid in enlarging its list of members to 500 or 1,000. Supported in this way, and relying on a wide-spread popular feeling, it will not only stand firmer, but will accomplish its educational and social objects better than if supported by a few subscribers. Membership is obtained by the annual payment of five dollars. This entitles one to take part in business meetings of the Association, to vote in election of officers, and entitles one to receive its publications free of expense. The publications consist chiefly of the *Journal of Social Science*, which includes the results of the studies of the Association, more especially the proceedings and resolutions of the General Meetings.

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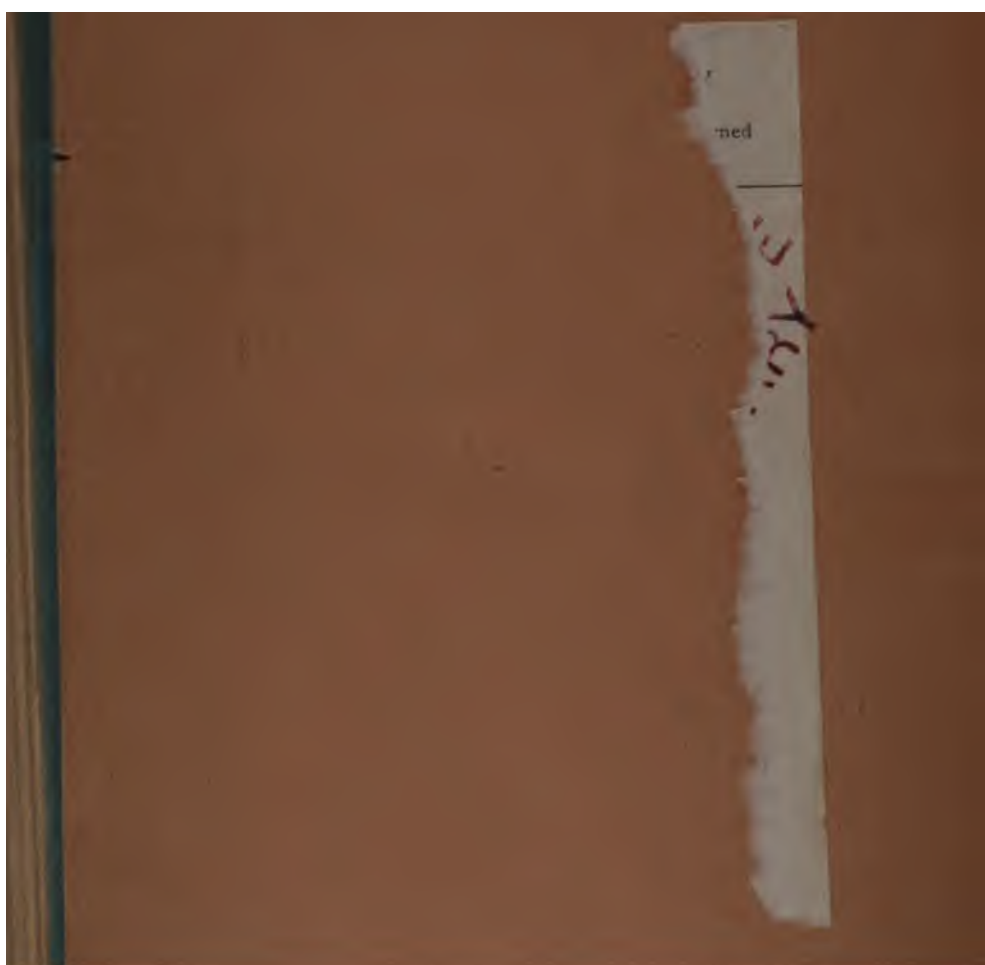
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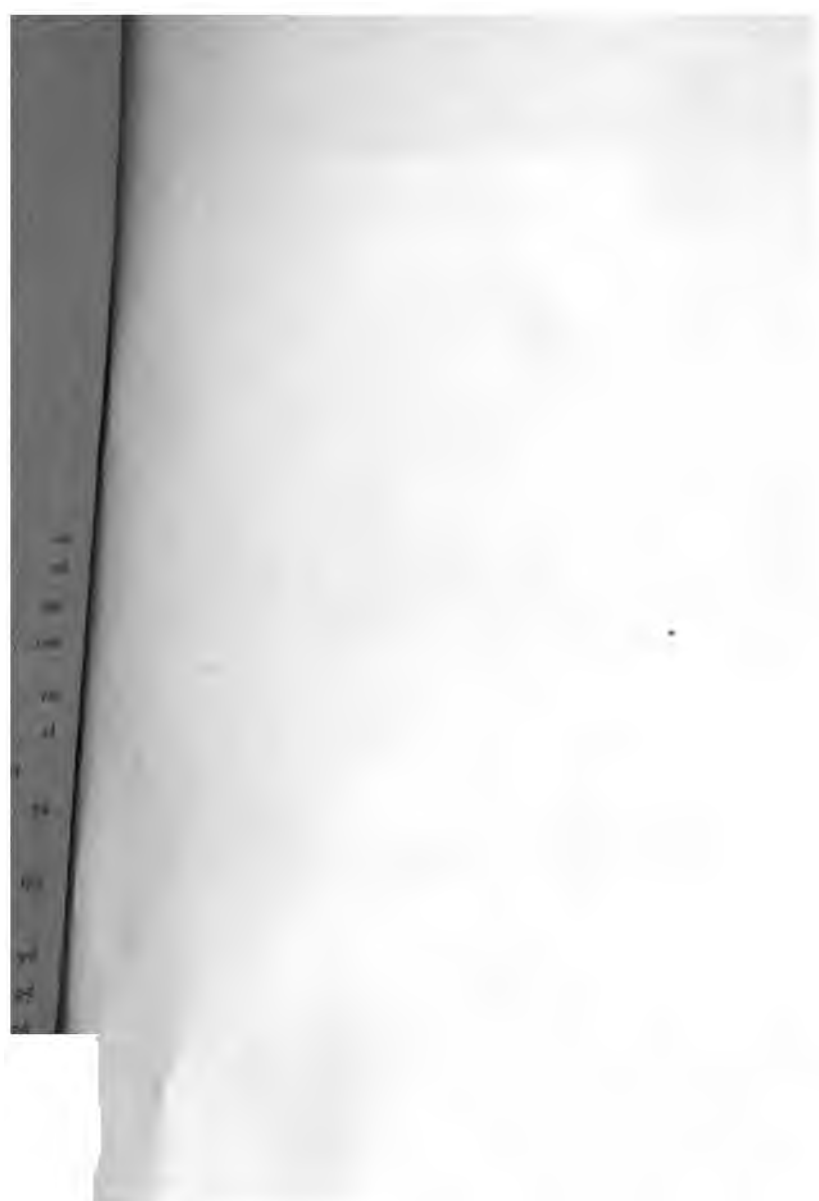
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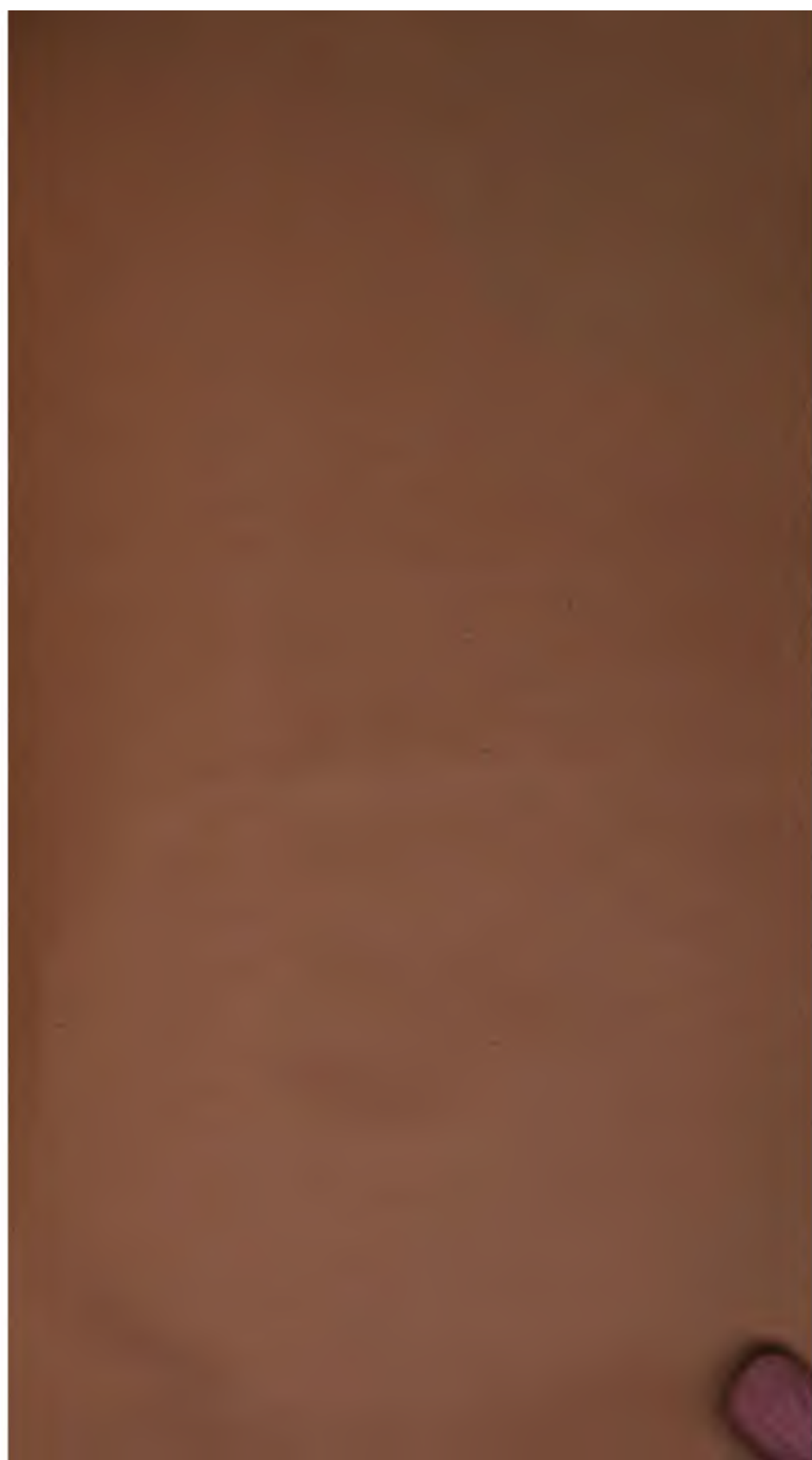
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